

BEFORE
THE PUBLIC APPLICANT COMMISSION OF OHIO

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In the Matter of the Commission Investigation)
Into the Treatment of Reciprocal)
Compensation for Internet Service Provider)
Traffic)

Case No. 99-941-TP-ARB

PUCO

MOTION TO INTERVENE OF BUCKEYE TELESYSTEM, INC.

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, Buckeye TeleSystem, Inc. ("Buckeye"), by its attorneys, respectfully moves to intervene in this matter. Buckeye has a real and substantial interest in this generic arbitration and will be affected by the outcome of this case. Its intervention will not unduly prolong or delay the proceedings and it will contribute to full development and equitable resolution of the factual issues.

Wherefore, Buckeye TeleSystem, Inc. respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

In its January 13, 2000 Entry in this case, the Commission determined that it would be appropriate to initiate an investigation in order to determine, on a generic basis, a prospective position on inter-carrier compensation for dial-up ISP bound traffic to be utilized by LECs should they be unable to negotiate a satisfactory resolution of this issue through their own commercial negotiations. The Commission invited any other stakeholder interested in the generic resolution of this matter to intervene.

Section 4903.221(B), Revised Code, requires the Commission to consider the following criteria in ruling upon motions to intervene: (1) the nature and extent of the prospective intervenor's interest; (2) the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; (3) whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; (4) whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

Rule 4901-1-11(B) of the Ohio Administrative Code also lists factors that the Commission or its Attorney Examiner may consider in considering a motion to intervene: (1) the nature of the person's interests; (2) the extent to which the person's interest is represented by existing parties; (3) the person's potential contribution to a just and expeditious resolution of the issues involved in the proceedings; and, (4) whether granting the request to intervention would unduly delay the proceeding or unjustly prejudice any existing party.

Buckeye is an interested stakeholder in this proceeding. It is a certificated local exchange carrier providing local exchange telephone service in Lucas and Wood Counties, Ohio. It has interconnection agreements with Ameritech Ohio and GTE North Incorporated which do not provide for inter-carrier compensation for internet service provider ("ISP")-bound traffic. Buckeye carries traffic from enduser customers of other local exchange companies who dial local calls that

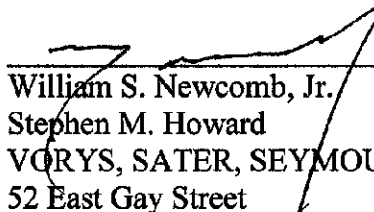
travel over the public switched telephone network to reach an ISP. Likewise, other incumbent local exchange companies carry traffic from Buckeye enduser customers who dial local calls that travel over the public switched telephone network to reach an ISP. In the case of Buckeye, it has a capital investment in plant which is being utilized to carry traffic destined for ISP's for which it is not receiving any compensation.

Buckeye's specific interest is not being represented by any other party to his case. Because of the timing of its interconnection agreement, Buckeye is being treated differently than some carriers who signed interconnection agreements earlier. Buckeye will contribute to a just and expeditious resolution of the issues involved in this proceeding and will not unduly delay the proceeding or unjustly prejudice any existing party. It intends to participate in the January 27 forum as well as the February 3 prehearing conference.

Buckeye has a real and substantial interest in this matter and has met the criteria for intervention set forth in Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code.

Wherefore, Buckeye TeleSystem, Inc. respectfully requests that its Motion to Intervene in this proceeding be granted.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene and Memorandum In Support was served by first class, ordinary mail, postage prepaid on this 27th day of January, 2000, upon the following parties of record listed below:

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