

FILE

Douglas E. Hart
Attorney at Law

6
RECEIVED-DOCKETING DIV

2007 DEC -5 PM 12:10

PUCO

December 3, 2007

VIA FEDERAL EXPRESS

Ms. Renee Jenkins
Chief, Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
13th Floor
Columbus, OH 43215-3793

Re: **In the Matter of the Application of Intrado Communications Inc. for
Authority to Provide 9-1-1 Emergency Services throughout the State of Ohio,
Case No. 07-941-TP-UNC**

Dear Ms. Jenkins:

Enclosed please find the original and 8 copies of the following documents:

- 1) Motion to Intervene of Cincinnati Bell Telephone Company LLC;
- 2) Objections of Cincinnati Bell Telephone Company LLC in Opposition to Intrado Application to Provide CLEC Services and Request for Suspension.

Please file the original and 7 copies in the above referenced proceeding and please date stamp and return one copy of each document to me in the enclosed self-addressed stamped envelope.

Very truly yours,



Douglas E. Hart

DEH

Enclosures

cc: Sally W. Bloomfield, Esq.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed 12/5/07

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Intrado)
Communications Inc. to Provide CLEC Services)
In the State of Ohio)
Case No. 07-1199-TP-ACE

**MOTION TO INTERVENE OF CINCINNATI BELL
TELEPHONE COMPANY LLC**

Cincinnati Bell Telephone Company LLC ("CBT") moves to intervene in the above-captioned proceeding pursuant to R.C. § 4903.221 and Ohio Admin. Code § 4901-1-11. The basis for CBT's intervention is set forth in the attached Memorandum in Support.

Respectfully submitted,



Douglas E. Hart (0005600)
441 Vine Street
Suite 4192
Cincinnati, Ohio 45202
(513) 621-6709
(513) 621-6981 fax
dhart@douglasshart.com

Attorney for Cincinnati Bell
Telephone Company LLC

RECEIVED-DOCKETING DIV

2007 DEC -5 PM 12:10

PUCO

MEMORANDUM IN SUPPORT

On November 19, 2007, Intrado Communications Inc. ("Intrado") commenced this proceeding by filing an application for certification as a competitive local exchange carrier ("CLEC") throughout the State of Ohio. Nevertheless, Intrado expressly states that it will not be offering dial tone or any other aspect of local exchange service other than certain 9-1-1 services to public safety answering points ("PSAPs"). Intrado is seeking certification as a competitive local exchange carrier so that it can claim that it is entitled to interconnection, access to unbundled network elements ("UNEs") and collocation, among other rights that a CLEC would have, even though it otherwise has no plans to actually operate as a CLEC. There have been no other filings or activity in the case to date.

Under Commission rule 4901:1-6-10(H)(1), interested entities who can show good cause why the application should not be granted must file with the Commission a written statement detailing the reasons, as well as a motion to intervene, within fifteen calendar days after the application is docketed. The fifteenth day after this application was docketed is December 4, 2007. Thus, this Motion to Intervene is timely in accordance with the Commission's rules. Unless the application is suspended, it would be subject to automatic approval under Commission Rule 4901:1-6-8 after thirty days.

CBT is an incumbent local exchange carrier ("ILEC") in southwest Ohio and currently acts as the 9-1-1 service provider throughout its service territory. The interests of CBT could be adversely affected by Intrado's application and CBT meets the intervention standard in R.C. § 4903.221.

The criteria to consider in deciding whether to allow intervention in a Commission proceeding are:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

Ohio Admin. Code § 4901-1-11(A)(2) authorizes intervention upon a showing that the movant "has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties." In determining whether to permit such intervention, the Commission may consider:

- (1) The nature of the person's interest;
- (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 proceeding; and
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

These considerations closely track those in R.C. § 4903.221(B).

As an ILEC and the current 9-1-1 service provider in its service territory, CBT's interest lies in protecting the integrity of the 9-1-1 system and in enforcing federal and Ohio law with respect to interconnection, access to UNEs and collocation. CBT is an ILEC from whom Intrado is seeking interconnection, access to UNEs and collocation. CBT is the existing 9-1-1 service provider in its service territory and Intrado seeks to become a competing provider of 9-1-1 Emergency Services. Intrado seeks to change the routing of certain 9-1-1 traffic and the relationship between CBT and other carriers and PSAPs in CBT's service area.

CBT believes that the application is without basis in Ohio law and that Intrado is improperly seeking to obtain certification as a CLEC without actually being a CLEC. CBT has

an interest in protecting its rights as an ILEC and that the application not be used as a means of subverting well-established telecommunications law.

No other party has sought to intervene at this time, so CBT's interests are not represented by any other party. While other ILECs may share CBT's position in their own service areas, CBT is the only existing 9-1-1 service provider within its service area.

CBT's participation in this case will not unduly prolong or delay the proceeding – the application was only recently filed and CBT is filing its objections to the application within the fifteen day time frame allowed by the Commission's rules. CBT will significantly contribute to the development and resolution of the issues.

This motion to intervene is timely under R.C. § 4903.221(A) and Ohio Admin. Code § 4901-1-11 and 4901:1-1-10(H)(1).

For the foregoing reasons, CBT's motion to intervene in this proceeding should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Douglas E. Hart', is written over a horizontal line.

Douglas E. Hart (0005600)
441 Vine Street
Suite 4192
Cincinnati, Ohio 45202
(513) 621-6709
(513) 621-6981 fax
dhart@douglasshart.com

Attorney for Cincinnati Bell
Telephone Company LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene was served by regular U.S. Mail, postage prepaid, this 3rd day of December, 2007, upon Sally W. Bloomfield, Bricker & Eckler, LLP, 100 South Third Street, Columbus, Ohio 43215-4291.



Douglas E. Hart