

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Petition)	
of Intrado Communications Inc. for Arbitration)	
Pursuant to Section 252(b) of the Communications Act)	Case No. 08-537-TP-ARB
of 1934, as amended, to Establish an Interconnection)	
Agreement with Cincinnati Bell Telephone Company)	

**INTRADO COMMUNICATIONS INC.'S
MEMORANDUM CONTRA
MOTION TO INTERVENE FILED BY INDIGITAL TELECOM**

On July 14, 2008, INdigital Telecom ("INdigital") filed a Motion for Intervention in the above-referenced proceeding. Intrado Communications Inc. ("Intrado Comm"), by its attorneys, hereby files this opposition to the Motion for Intervention filed by INdigital. Under the Commission's rules for intervention, a party must demonstrate a real and substantial interest in the proceeding.¹ INdigital has not met its burden.

The specific interconnection arrangements at issue between Intrado Comm and the Cincinnati Bell Telephone Company ("CBT") are not applicable to INdigital. The only possible interest INdigital may have in this proceeding is to exercise its rights under Section 252(i) of the Communications Act of 1934, as amended ("Act")² to adopt the ultimate interconnection agreement between Intrado Comm and CBT. But at this time INdigital is not certified to provide

¹ Rule 4901-1-11, O.A.C.

² 47 U.S.C. § 252(i).

telecommunications services in the state of Ohio. So it is unclear when, if ever, INdigital may be eligible to exercise that right.

Further, intervention is not appropriate in this type of adjudicatory, fact-specific proceeding.³ When the Federal Communications Commission (“FCC”) arbitrates an interconnection agreement by standing in the shoes of a state commission, it does not generally permit third parties to participate in the arbitration proceedings.⁴ The FCC found that limiting arbitration proceedings to the requesting carrier and the incumbent local exchange carrier allows “for a more efficient process and minimize[s] the amount of time needed to resolve disputed issues.”⁵ The FCC determined that “opening the process to all third parties would be unwieldy and would delay the process.”⁶ Thus, the FCC ruled that it would only consider requests by third parties to submit written pleadings if the arbitrating parties failed to raise an important public policy issue.⁷ INdigital has not demonstrated any public policy issue that would not be addressed by either Intrado Comm or CBT.

³ See, e.g., *Western Radio Services Co. v. Qwest Corp.*, 2008 WL 2669700 (9th Cir. 2008) (finding that in Section 252 arbitrations an “arbitrator essentially adjudicates the issues between the parties as would an administrative law judge”); *MCI Telecommunications Corp. v. Ohio Bell Telephone Co.*, 279 F.Supp.2d 947 (S.D. Ohio 2003) (noting that state commissions “adjudicate” disputed issues in arbitration proceedings).

⁴ 47 C.F.R. § 51.807(g) (“Participation in the arbitration proceeding will be limited to the requesting telecommunications carrier and the incumbent LEC, except that the Commission will consider requests by third parties to file written pleadings.”).

⁵ *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, 11 FCC Rcd 15499, ¶ 1295 (1996) (“*Local Competition Order*”) (intervening history omitted), *aff’d* by *AT&T Corp., et al. v. Iowa Utils. Bd., et al.*, 525 U.S. 366 (1999).

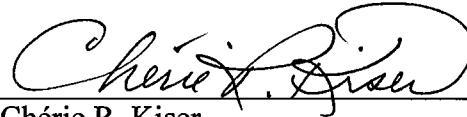
⁶ *Local Competition Order* ¶ 1295.

⁷ *Local Competition Order* ¶ 1295.

Accordingly, INdigital's Motion for Intervention should be denied. INdigital does not have standing to intervene and has not met the requirements for intervention under the Commission's rules.

Respectfully submitted,

INTRADO COMMUNICATIONS INC.



Chérie R. Kiser
Angela F. Collins
Cahill, Gordon & Reindel LLP
1990 K Street, NW, Suite 950
Washington, D.C. 20006
202-862-8900 (telephone)
ckiser@cgrdc.com
acollins@cgrdc.com

Craig W. Donaldson
Senior Vice President - Regulatory Affairs

Rebecca Ballesteros
Associate Counsel

Thomas Hicks
Director - Carrier Relations

Intrado Communications Inc.
1601 Dry Creek Drive
Longmont, CO 80503
720-494-5800 (telephone)
720-494-6600 (facsimile)

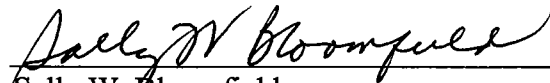
Sally W. Bloomfield
Brickler & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
614-227-2368 (telephone)
sbloomfield@bricker.com

Its Attorneys

Dated: July 28, 2008

CERTIFICATE OF SERVICE

I, Sally W. Bloomfield, certify that on this 28 day of July 2008, the foregoing Memorandum Contra of Intrado Communications Inc. was filed electronically with the Docketing Division of the Public Utilities Commission of Ohio and one (1) copy was served on each of the following via the method indicated.


Sally W. Bloomfield

L. Douglas Jennings
Attorney Examiner
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, OH 43215
doug.jennings@puc.state.oh.us
Via Electronic Mail and Hand Delivery

Douglas E. Hart
Attorney for Cincinnati Bell Telephone
Company
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglasshart.com
Via Electronic Mail and Federal Express

Chris Kotting
Lori Sternisha
Michael Twiss
Public Utilities Commission of Ohio
180 East Broad Street, 3rd Floor
Columbus, OH 43215
chris.kotting@puc.state.oh.us
lori.sternisha@puc.state.oh.us
michael.twiss@puc.state.oh.us
Via Electronic Mail and Hand Delivery

John W. Bentine
Mark S. Yurick
Chester, Willcox & Saxbe LLP
65 East State Street
Suite 1000
Columbus, Ohio 43215
jbentine@cwsllaw.com
myurick@cwsllaw.com
Via Electronic Mail and Hand Delivery

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Summary: Memorandum Intrado Communications Inc.'s Memorandum Contra Motion to Intervene Filed by INdigital Telecom electronically filed by Teresa Orahod on behalf of Intrado Communications Inc.