

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Intrado)
Communications Inc. to Provide Facilities Based) Case No. 08-1289-TP-ACE
And Resold CLEC Services Within the State of)
Ohio.)

MOTION OF VERIZON NORTH INC. TO INTERVENE

VERIZON NORTH INC. ("Verizon") hereby moves to intervene in these proceedings pursuant to Ohio Administrative Code §§4901-1-11 and 4901:1-6-10 and Revised Code §4903.221. A Memorandum in Support is supplied herewith.

Respectfully submitted,

VERIZON NORTH INC.

Dated: December 24, 2008

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MEMORANDUM IN SUPPORT OF MOTION OF
VERIZON NORTH INC. TO INTERVENE

Verizon North Inc. (“Verizon”) is a telephone company and a public utility providing local exchange telephone service in 244 exchanges throughout Ohio. The application filed by Intrado Communications, Inc. (“Intrado”) seeks certification to provide facilities based and resold Competitive Local Exchange Carrier (“CLEC”) services in Verizon’s service territory in Ohio. Intrado’s application references in Exhibit 18 Verizon’s pending interconnection arbitration with Intrado.

The Application in this proceeding was filed under Ohio Admin. Code §4901:1-6-10. Under Rule 4901:1-6-10(H)(1), interested entities who can show good cause why such an 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 25, 2008. Thus, this Motion to Intervene is timely.

Ohio Admin. Code § 4901-1-11(A)(2) and Revised Code § 4903.221(B) are substantially similar, authorizing intervention in Commission proceedings 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 by Rule 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.

Verizon has a real and substantial interest in the proceeding. With this Application, Intrado is seeking to obtain the rights and privileges of a CLEC in Ohio, including rights and privileges related to Intrado's proposed services within Verizon's service territory. In its Application, Intrado asserts at Exhibit 18 that it has sought such interconnection with Verizon and that "arbitration hearings are scheduled for 1/9/09."¹

Intrado's Application, however, fails to note that its scheduled arbitration with Verizon (Case No. 08-198-TP-ARB) springs from an entirely different premise: in Case No. 07-199-TP-ACE (in which Intrado also sought CLEC certification),² the Commission refused to grant Intrado the CLEC certification it requested, and instead granted it authority as a "competitive emergency services telecommunications carrier."³ Intrado thus sought interconnection with Verizon based on its status as a competitive emergency services telecommunications carrier, and it is from that status that the arbitration among the parties must be determined.

Verizon has an interest in this proceeding to assure that this case does not impact the conduct of Case No. 08-198-TP-ARB or the determinations that the Commission may reach with respect to that case. While the Application in this proceeding asserts that Intrado expects to provide basic local exchange service, it has disclaimed its intention to do so in the past,⁴ and now – on the

¹ This statement is incorrect. Hearings in the Intrado/Verizon arbitration, Case No. 08-198-TP-ARB, are scheduled to convene on January 13 and continue through January 15, if necessary. See *In the Matter of the Petition of Intrado Communications Inc.*, Case No. Case No. 08-198-TP-ARB, Entry at 2 (Aug. 20, 2008).

² *In the Matter of the Application of Intrado Communications Inc. to Provide CLEC Services in the State of Ohio*, Case No. 07-1999-TP-ACE, Application filed November 19, 2007 (the "First Application").

³ See Petition of Intrado Communications Inc. for Arbitration for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as amended, to Establish an Interconnection Agreement with Verizon North Inc., Case No. 08-198-TP-ARB, filed March 5, 2008 at 1, ¶1.

⁴ See First Application, Exhibit 3 at 1: "Intrado Comm does not provide the other defined elements of basic local exchange, but rather a subset of these services. . . ."

eve of arbitration with Verizon – it is not authorized to do so. Accordingly, Verizon’s participation in this case will be limited to confirming that any authority granted here does not contradict or confuse the outcome of Case No. 08-198-TP-ARB. As no other party has been granted intervention, no other party to the proceeding can adequately represent Verizon’s interests. The efficiency of these proceedings will be served by consideration of Verizon’s position, and Verizon will seek expeditious consideration of its position and has no intention to unduly delay these proceedings.

Accordingly, under the criteria governing intervention under Ohio law, Verizon’s intervention should be granted.

Conclusion

For the foregoing reasons, Verizon North Inc. submits that it should be granted intervention herein.

Respectfully submitted,

VERIZON NORTH INC.

Dated: December 24, 2008

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by electronic delivery and ordinary U.S. Mail, postage prepaid, on the parties listed below on this 24th day of December, 2008.

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Summary: Motion - Motion of Verizon North Inc. to Intervene electronically filed by Mr. Thomas E Lodge on behalf of Verizon North Inc.