

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Intrado)
 Communications Inc. to Provide Facilities-) Case No. 08-1289-TP-ACE
 Based and Resold Competitive Local Exchange)
 Company Services within the State of Ohio.)

ENTRY

The Commission finds:

- (1) On December 10, 2008, as amended on February 17 and 18, 2009, Intrado Communications Inc. filed an application seeking certification to provide facilities-based and resold competitive local exchange company (CLEC) services within the state of Ohio.
- (2) Pursuant to the January 7, 2009, attorney examiner entry, this application was fully suspended for 60 days in accordance with Rule 4901:1-6-07, Ohio Administrative Code (O.A.C.).
- (3) On December 24, 2008, Verizon North Incorporated (Verizon North) filed a motion to intervene in this proceeding. In support of its request, Verizon North states that, consistent with Section 4903.221(B), Revised Code, and Rule 4901:1-11(A)(2), O.A.C., it has a real and substantial interest in this proceeding inasmuch as Intrado is seeking to obtain the rights and privileges of a CLEC within Verizon North's service territory. Verizon North avers that no other party can adequately represent its interests.

Verizon North represents that it has an interest in this case to assure that the Commission's consideration of the requested CLEC certification does not impact the Commission's consideration of Case No. 08-198-TP-ARB (08-198), *In the Matter of the Petition of Intrado Communications, Inc. for Arbitration of Interconnection Rates, Terms, and Conditions and Related Arrangements with Verizon North Inc., Pursuant to Section 252(b) of the Telecommunications Act of 1996.* Verizon North notes that Intrado's arbitration request in 08-198 is premised on Intrado's current status as a competitive emergency services telecommunications carrier, and not as a CLEC. Therefore, Verizon North

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represents that its participation in this docket will be limited to confirming that any authority granted here does not contradict or confuse the outcome in 08-198.

- (4) On December 24, 2008, United Telephone Company of Ohio dba Embarq (Embarq) filed a motion to intervene in this proceeding. Embarq represents that it has a real and substantial interest in this proceeding and that its interest may be adversely affected by the outcome in this proceeding.

Embarq points out that, pursuant to Case No. 07-1199-TP-ACE, *In the Matter of the Application of Intrado Communications Inc. to Provide Competitive Local Exchange Services in the State of Ohio*, Intrado has already obtained the ability to compete with Embarq for the provision of emergency services. Embarq also calls attention to the fact that Intrado and Embarq arbitrated the terms and conditions of an interconnection agreement pursuant to Case No. 07-1216-TP-ARB (07-1216), *In the Matter of the Petition of Intrado Communications Inc. for Arbitration of Interconnection, Rates, Terms, and Conditions and Related Arrangements with United Telephone Company of Ohio dba Embarq and United Telephone Company of Indiana Pursuant to Section 252(b) of the Telecommunications Act of 1996*, with respect to Intrado's provisioning of emergency services. Embarq expresses concern that Intrado may now attempt to improperly use its CLEC status to obtain certain services at prices that it was unable to receive pursuant to the 07-1216 Arbitration Award. Absent the appropriate safeguards being put in place, Embarq opines that Intrado will be able to compete unfairly with Embarq, thereby harming Embarq's financial interests.

Embarq submits that it is entitled to intervention in this proceeding due to the fact that it has a real and substantial interest in this proceeding and that it may be adversely affected as a result of Intrado's request for CLEC certification.

- (5) On January 8, 2009, Intrado filed its memoranda contra the motions to intervene filed by Verizon North and Embarq. Intrado submits that the motions fail to raise any issues that are relevant to the Commission's examination into the applicant's fiscal, technical, or managerial capacity to act as a CLEC. Additionally, Intrado opines that Verizon North and Embarq

have failed to demonstrate a real and substantial interest in this matter and that the granting of intervention will unduly prolong this proceeding. Intrado asserts that its application for CLEC certification is separate and apart from the previously filed arbitration cases, in which Intrado has been treated as a competitive emergency service telecommunication carrier, and not as a CLEC.

- (6) The Commission finds that due to the approaching automatic approval date in this matter, the motions for intervention should be addressed at this time. Specifically, the Commission finds that the issues and concerns raised by Verizon North and Embarq do not warrant the granting of intervention inasmuch as the movants have failed to demonstrate a real and substantial interest in this proceeding for which intervention should be granted. Rather than stating specific concerns related to the certification criteria set forth in Rule 4901:1-6-10, O.A.C., Verizon and Embarq express concern regarding the potential negative impact that the granting of CLEC certification will have on arbitration petitions previously filed by Intrado.

Consistent with Rule 4901-1-11(B), O.A.C., the Commission finds that the nature of the stated concerns do not rise to a level necessitating the granting of intervention. The instant proceeding centers on the issue of whether Intrado satisfies the requisite criteria for CLEC certification. While the Commission recognizes the concerns expressed by Verizon North and Embarq as to the ultimate impact of Intrado's potential CLEC certification on the arbitration awards and resulting interconnection agreements in 07-1216 and 08-198, the Commission finds that the arbitration awards in the specific arbitration proceedings are, or will be, premised on the specific records in those proceedings. The Commission expects Intrado to comply with the rates, terms, and conditions of the applicable approved interconnection agreement. To the extent that Verizon North or Embarq in the future believe that Intrado is not complying with the rates, terms, and conditions of the applicable interconnection agreement, such concerns should be brought at the appropriate time in the context of a specific complaint case. By utilizing such an approach, the Commission will not unduly delay the CLEC certification request, while at the same time provide a process in the event of future concerns

raised by Verizon North and Embarq regarding the implementation of the applicable interconnection agreements.

- (7) Having addressed the issues raised by Verizon North and Embarq, and having found that intervention is not appropriate in this proceeding, the Commission now finds that this case should proceed in accordance with the appropriate automatic approval process as provided for pursuant to Rule 4901:1-6-08, O.A.C.

ORDERED, That the motions to intervene are denied in accordance with Finding (6). It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



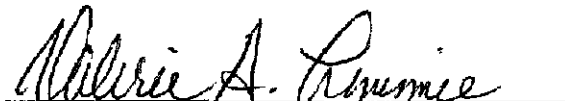
Alan R. Schriber, Chairman



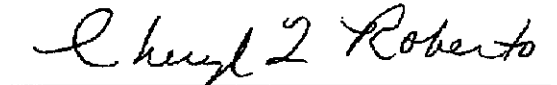
Paul A. Centolella



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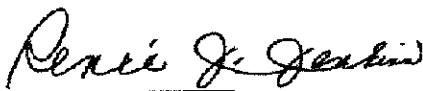


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Renee J. Jenkins
Secretary