

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Intrado Communications, Inc. for arbitration to establish an interconnection agreement with Verizon Florida LLC, pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, F.S.

DOCKET NO. 080134-TP  
ORDER NO. PSC-09-0053-PCO-TP  
ISSUED: January 22, 2009

ORDER GRANTING ABEYANCE

On March 5, 2008, Intrado Communications, Inc. (Intrado Comm) filed its Petition for Arbitration with Verizon Florida LLC (Verizon) pursuant to Section 252(b) of the Communications Act of 1934, as amended; Sections 120.80(13), 120.57(1), 364.16, 364.161, and 364.162, Florida Statutes (F.S.); and Rule 28-106.201, Florida Administrative Code (F.A.C.). On November 12, 2008, an Order Establishing Procedure was issued setting this proceeding for hearing. On December 19, 2008, Intrado Comm filed a Motion to Hold in Abeyance (Motion for Abeyance) in the instant docket.

Motion for Abeyance

Through its Motion for Abeyance, Intrado Comm requests that the Commission hold this proceeding in abeyance pending the resolution of Motions for Reconsideration filed on December 18, 2008, in its arbitration proceedings in Docket No. 070699-TP with Embarq Florida, Inc. (Embarq) and in Docket No. 070736-TP with BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T).<sup>1</sup> In further support of its Motion for Abeyance, Intrado Comm notes that on December 16, 2008, Verizon filed a Motion for Summary Final Order in this proceeding based on the Commission's Final Orders issued in the Embarq and AT&T arbitration dockets. Intrado Comm asserts that because Verizon's Motion for Summary Final Order appears to be based entirely on the findings made by the Commission in its Final Orders, the Motions for Reconsideration should be resolved prior to Verizon's Motion for Summary Final Order. Therefore, a complete abeyance of this proceeding, including Intrado Comm's response to Verizon's Motion for Summary Final Order, will serve the public interest and conserve the resources of both the Commission and the parties.

In its Motion for Abeyance, Intrado Comm also states that Verizon has indicated agreement to hold the procedural schedule in abeyance pending resolution of its Motion for Summary Final Order but not pending a decision on the Motions for Reconsideration filed in the Embarq and AT&T arbitration dockets. Verizon did not file a response to Intrado Comm's Motion for Abeyance.

<sup>1</sup> The Commission issued its Final Orders in Docket Nos. 070699-TP and 070736-TP on December 3, 2008. Intrado Comm's December 18, 2008, Motions seek reconsideration of the Commission's Final Orders.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Ruling

Pursuant to Rule 28-106.305, F.A.C. a prehearing officer before whom a case is pending may issue any orders necessary to promote the just, speedy, and inexpensive determination of all aspects of the case. Based on the above, and because the Commission's consideration and disposition of the Motions for Reconsideration may impact Intrado Comm's Response to Verizon's Motion for Summary Final Order, it appears that it would be prudent to delay consideration of Verizon's Motion for Summary Final Order until after the Motions for Reconsideration in the AT&T and Embarq arbitration dockets are resolved by this Commission. Accordingly, it is reasonable and appropriate to approve the motion to hold this entire proceeding in abeyance. Therefore, Intrado Comm's Motion to Hold in Abeyance filed in Docket No. 080134-TP is hereby granted.

The procedural schedule set forth in this proceeding, including the filing of Intrado Comm's Response to Verizon's Motion for Summary Final Order, shall be held in abeyance pending the Commission's consideration of Intrado Comm's Motions for Reconsideration filed in Docket Nos. 070699-TP and 070736-TP. Upon the Commission's resolution of the Motions for Reconsideration, an Order setting forth a modified procedural schedule, including a due date for filing Intrado Comm's Response to the Motion for Summary Final Order, shall be issued.

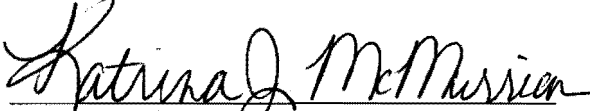
Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Intrado Communication, Inc.'s Motion to Hold in Abeyance filed in Docket No. 080134-TP is hereby granted. It is further

ORDERED that the procedural schedule set forth in this proceeding, including the filing of Intrado Communication, Inc.'s Response to Verizon Florida LLC's Motion for Summary Final Order, shall be held in abeyance pending the Commission's consideration of Intrado Communication, Inc.'s Motions for Reconsideration filed in Docket Nos. 070699-TP and 070736-TP. It is further

ORDERED that upon the Commission's resolution of the Motions for Reconsideration, an Order setting forth a new modified procedural schedule, including a due date for filing Intrado Communication, Inc.'s Response to the Motion for Summary Final Order, shall be issued.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 22nd  
day of January, 2009.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

(SEAL)

TLT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.