

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of the Petition)	
of Intrado Communications Inc. for Arbitration)	Docket No. 070699-TP
Pursuant to Section 252(b) of the Communications Act)	
of 1934, as amended, and Section 364.162, Florida)	Filed: December 24, 2007
Statutes to Establish an Interconnection Agreement with)	
Embarq Florida, Inc.)	

INTRADO’S REQUEST FOR ORAL ARGUMENT

Intrado Communications Inc. (“Intrado”), pursuant to Rule 25-22.0022, Florida Administrative Code, hereby requests that it be granted an opportunity to present oral argument on its Opposition to Embarq’s Motion to Dismiss, being filed concurrently with this Request.

While Embarq failed to request oral argument, Intrado believes that allowing Intrado and Embarq to address the Commission will aid the Commissioners in evaluating the issues before it. A motion to dismiss is an extreme remedy, and Embarq bears a very heavy burden in seeking dismissal as a matter of law, which requires that the Commission to accept all of the allegations in the Petition as facially correct.

Intrado has comprehensively addressed in its Opposition that is being filed today why Embarq has completely failed to meet its burden on the pleadings, which in and of itself is a sufficient basis for denying Embarq’s motion without any further consideration. However, Intrado recognizes that the issues raised by the motion and Intrado’s Opposition are matters of first impression for the Commission – as far as we can ascertain the Commission has never dismissed a complete petition for arbitration as a matter of law under both the applicable federal

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and state statutes relied upon by Embarq. Furthermore, the interplay between the negotiation and arbitration statutes under both federal and state law is also a question that has not been previously addressed by the Commission. Finally, without exaggerating, it is fair to say that the provision of 911 service to Florida consumers is unquestionably a matter of life and death, and the ability of a competitive carrier such as Intrado to interconnect and exchange traffic with Embarq under Sections 251 and 252 of the 1996 Federal Act and the corresponding provisions of Chapter 364, Florida Statutes, is critical both to the interoperability of a ubiquitous public switched network and the ability of emergency responders to timely perform their jobs.

While a denial of the motion to dismiss solely on the pleadings would be a proper and correct disposition without any further argument, Intrado hereby seeks the opportunity for the parties to address the Commission to the extent it would be helpful to the Commissioners for understanding why Embarq's motion should be denied.

WHEREFORE, Intrado respectfully requests that it be granted oral argument on its Opposition to the Motion to Dismiss.

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Respectfully submitted,

INTRADO COMMUNICATIONS INC.



Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
850-425-5213 (telephone)
850-558-0656 (facsimile)
fself@lawfla.com

Chérie R. Kiser
Angela F. Collins
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Ave., N.W., Suite 900
Washington, D.C. 20004
202-434-7300 (telephone)
202-434-7400 (facsimile)
crkiser@mintz.com
afcollins@mintz.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)

Its Attorneys