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March 5, 2008

BY HAND DELIVERY

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
08 MAR -5 PM 2:48
COMMISSION CLERK

Re: Docket No. 080089-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Intrado Communications Inc. are an original and 15 copies of Intrado Communications Inc.'s Response to Verizon Florida LLC's Petition for Leave to Intervene, and Motion for More Definite Statement in the above referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

Floyd R. Self

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Enclosures
cc: Rebecca Ballesteros, Esq.

DOCUMENT NUMBER - DATE
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Intrado Communications, Inc.)
for Declaratory Statement Regarding Local Exchange) Docket No. 080089-TP
Telecommunications Network Emergency 911 Service) Filed: March 5, 2008
_____)

RESPONSE TO VERIZON FLORIDA LLC'S PETITION FOR LEAVE TO INTERVENE, AND MOTION FOR MORE DEFINITE STATEMENT

Intrado Communications, Inc. ("Intrado"), pursuant to Rule 28-106.205, Florida Administrative Code, hereby files this response to Verizon Florida LLC's ("Verizon") Petition For Leave To Intervene and states:

1. Section 120.565, Florida Statutes, provides that "[a]ny substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances." This case involves the specific question of whether Intrado, as a competitive local exchange carrier ("CLEC"), or its customers are required by statute, rule, or order of the Commission to pay incumbent local exchange company ("ILEC") tariff charges for local exchange telecommunications 911 services. For the reasons set forth in the Petition, Intrado has legitimate questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority, and determined a need for a declaratory statement to resolve questions or doubts as to how the statutes, rules, orders, and tariffs discussed therein may apply to Intrado's particular circumstances.

2. The fact that the requested declaratory statement may also affect the rights of others is no bar to Intrado's right to request and receive a declaratory statement. *Department of Business and Professional Regulation, Division of Pari-Mutual Wagering v. Investment Corp. Of Palm Beach*, 747 So.2d 374 (Fla. 1999); *1000 Friends of Florida, Inc. v. Department of Community Affairs*, 760 So.2d 154 (Fla. 1st DCA 2000).

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3. Rule 28-105.0027, Florida Administrative Code, provides that “[t]he presiding officer shall allow for intervention of persons meeting the requirements for intervention of Rule 28-106.205, F.A.C.”

4. Rule 28-106.205, Florida Administrative Code, provides that a petition to intervene “shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.”

5. Rule 28-106.201(2), Florida Administrative Code, provides that:

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

6. The document filed by Verizon does not appear to meet the requirements established by the Uniform Rules in Title 28, Florida Administrative Code. Therefore, the Commission should dismiss the Petition with leave to amend.

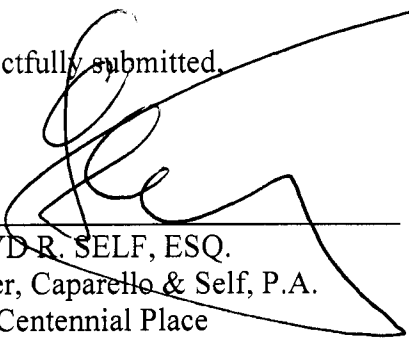
7. If the Commission chooses to accept Verizon's Petition to Intervene as filed, or Verizon refiles its request to intervene, Intrado requests that the scope of the intervention be limited to that allowed by Chapter 120, Florida Statutes.

8. Section 120.565, Florida Statutes, provides that a declaratory statement is to be an agency's opinion of the law "as it applies to the petitioner's particular set of circumstances." Rule 28-105.003, Florida Administrative Code, provides that in making its declaratory statement, "the agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts." Therefore, there are no disputed facts and Intrado is not seeking to take action against Verizon – the bottom line is a declaration that once a customer is no longer a customer the former carrier can not continue to impose new charges on the former customer or the customer's new carrier.¹ Thus, if Verizon is to intervene in this proceeding, its role is not to suggest some alternative set of facts upon which the Commission should base its declaratory statement. Rather, Verizon's role is limited by statute only to any argument as to the law as applied to the facts presented to the Commission by Intrado.

9. For the reasons set forth herein, Intrado requests that the Commission enter an order requiring that any Verizon petition to intervene comply with the Uniform Rules in Title 28, Florida Administrative Code, and establishing that any such intervention will be limited to a determination of the law to Intrado's particular circumstances as set forth in the Petition for Declaratory Statement.

¹ Such "new charges" would exclude any prior contractual obligations.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and U.S. Mail this 5th day of March, 2008.

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