

Ruth Nettles

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Sent: Wednesday, March 12, 2008 12:41 PM
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Subject: Docket No. 080089-TP - Verizon Florida LLC's Response in Opposition to Intrado's Response to Verizon's Petition for Leave to Intervene and Motion for More Definite Statement
Attachments: 080089 VZ FL Response to Opp-3-12-08.pdf



The attached filing is submitted in Docket No. 080089-TP on behalf of Verizon Florida LLC by

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The attached document consists of a total of 5 pages (cover letter-1 page, Response-3 pages, and Certificate of Service-1 page).

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March 12, 2008 – VIA ELECTRONIC MAIL

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 080089-TP
Petition for declaratory statement regarding local exchange telecommunications
network emergency 911 service, by Intrado Communications Inc.

Dear Ms. Cole:

Enclosed for filing in the above-referenced matter is Verizon Florida LLC's Response in Opposition to Intrado's Response to Verizon's Petition for Leave to Intervene and Motion for More Definite Statement. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (678) 259-1449.

Sincerely,

s/ Dulaney L. O'Roark III

Dulaney L. O'Roark III

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Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement regarding) Docket No. 080089-TP
local exchange telecommunications network) Filed: March 12, 2008
emergency 911 service, by Intrado)
Communications Inc.)
-----)

**VERIZON'S RESPONSE IN OPPOSITION TO INTRADO'S
RESPONSE TO VERIZON'S PETITION FOR LEAVE TO INTERVENE
AND MOTION FOR MORE DEFINITE STATEMENT**

Verizon Florida LLC ("Verizon") filed a Petition for Leave to Intervene in this docket on February 27, 2008. Intrado Communications Inc. ("Intrado") filed a Response to the Petition and a Motion for More Definite Statement on March 5, 2008. Verizon now responds in opposition to Intrado's Motion and its Response.

In its Petition, Verizon stated that it has a substantial and direct interest in this case because Intrado is seeking a declaratory statement concerning whether, among other things, Verizon may charge Intrado or Public Safety Answering Points ("PSAPs") for certain 911 services under Verizon's Florida tariffs. In its Motion, Intrado requests that Verizon's Petition be dismissed with leave to amend on the grounds that Verizon allegedly did not comply with Rule 28-105.0027, which refers (through Rule 28-106.205) to Rule 28-106.201(2). Intrado does not specify what additional information it believes is required, nor does it state what substantial purpose its Motion is intended to serve. In any event, Verizon's Petition notes the agency involved (obviously, the Commission) and the docket number; Verizon's name and its counsel and their address and telephone number; and an explanation of how Verizon's substantial interests will be affected.¹ Most of the other subsections are inapplicable because they involve an

¹ See Rule 28-106.201(2)(a), (b).

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agency's proposed action.² The only remaining subsection calls for a statement of all disputed issues of material fact or a statement that there are no such issues.³ Verizon stated the factual basis for its intervention in its Petition and to Verizon's knowledge those facts are not disputed. In short, Intrado's Motion is frivolous, appears to be asserted for no constructive purpose and should be rejected.

In Intrado's Response, it asserts that there are no disputed facts in this docket and that Verizon may not contest Intrado's factual representations. Intrado is wrong. Although Rule 28-105.003 provides that the Commission "*may* rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts,"⁴ that does not mean that the Commission *must* do so. If the Commission reaches the merits of Intrado's Petition rather than dismissing it, the Commission should not simply accept Intrado's version of the facts. Intrado's Petition makes clear that it wants to use a declaratory statement as the basis for representations to PSAPs concerning what they may be obligated to pay under ILECs' tariffs.⁵ If the Commission were to adopt the "garbage-in, garbage-out" approach proposed by Intrado, the Commission could become an unwitting party to the distribution of incorrect information about PSAPs' 911 tariff obligations. The Commission therefore should reject Intrado's invitation to turn a blind eye to the facts.

For the foregoing reasons, Verizon requests that Intrado's Motion be rejected, and, if the Commission does not dismiss Intrado's Petition, that the Commission make an independent assessment of Intrado's factual allegations.

² See Rule 28-106.201(2)(c), (e)-(g).

³ See Rule 28-106.201(2)(d).

⁴ Emphasis added.

⁵ See Intrado Petition ¶ 10.

Respectfully submitted on March 12, 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail and U. S. mail on March 12, 2008 to:

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