BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Intrado Communications Inc. for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Sections 120.80(13), 120.57(1), 364.15, 356.16, and 364.162, F.S., and Rule 28-106.201, F.A.C. to Establish an Interconnection Agreement with BellSouth Telecommunications, Inc. d/b/a AT&T Florida	Docket No. 070736-TP Filed: December 18, 2008

INTRADO COMMUNICATIONS INC.
REQUEST FOR ORAL ARGUMENT

Intrado Communications Inc. ("Intrado Comm"), pursuant to Rules 25-22.0022 and 25-22.060, Florida Administrative Code, respectfully requests that its counsel be granted the opportunity to present oral argument relating to Intrado Comm's Motion to Reconsider the Commission's Order No. PSC-08-0798-FOF-TP, issued December 3, 2008 ("Order").

This is a case of first impression that presents unique circumstances and policy concerns not previously addressed by this Commission. And, as the Commission recognized, concerns 911/E911 service that "is an essential service in Florida"; that the Commission is "entrusted with protecting the public health, safety, and welfare and must ensure access to basic local service, which includes access to 911/E911 service"; and that "[i]t is imperative that access to 911/E911 service continue uninterrupted regardless of the 911/E911 service provider."[1] Despite the importance and novelty of the questions presented in this matter, the Commission has yet to hear any oral argument on the threshold issue, indeed the only issue, decided in its Order — "whether Intrado Comm's service offering meets the definition of a 'telephone exchange service,' as the

[1] Order at 8.

term is defined in §3 of the [Communications] Act [of 1934, as amended]."[2] Nor has the Commission heard oral argument relating to its obligation to arbitrate the parties' dispute under Florida law.

Although Intrado Comm's motion for reconsideration addresses the various points of law and fact that Intrado Comm submits the Commission overlooked or misunderstood, the Commission cannot properly resolve these issues — and discharge its duty to ensure that the public receives the highest quality 911/E911 services — based only on its review of the papers and a motion for reconsideration. Such papers are designed only to "identif[y] a point of fact or law which was overlooked or [to demonstrate that] the Commission failed to consider [such a point of fact or law] in rendering its decision."[3] Submitting a brief in support of a motion for reconsideration is no substitute for the opportunity to present oral argument aimed at enhancing the Commission's understanding of the issues at hand. While the parties' post-trial briefs did address the threshold issue decided in the Order, it was but one issue in a multi-issue proceeding that considered many issues of interconnection and traffic exchange. Moreover, the presentation of this legal issue was extremely limited due to overall page limitations, and although the Commissioners, Staff, and parties had the opportunity to conduct extensive cross-examination on the factual issues in this docket, they had no opportunity to conduct oral argument on this critical legal issue.

Given the essential nature of 911\E911 services, and the fact that this matter presents an issue of first impression, it is critical that the Commission avail itself of the means necessary to understand the nuances of the services and issues in question. This is particularly true here,

---

2 *Id.* at 2.

3 *Stewart Bonded Warehouse* v. *Bevis*, 294 So.2d 315 (Fla. 1974); *Diamond Cab Co.* v. *King*, 146 So.2d 889 (Fla. 1962); *Pingree v. Quaintance*, 394 So.2d 161 (Fla. 1st DCA 1981).

because the Commission's Order does not address half of the statutory definition of "telephone exchange service" under the federal Act and it altogether failed to consider the Commission's compulsory arbitration power under Florida law. Section 364.01(1), Florida Statutes, grants this Commission exclusive jurisdiction to consider the matters delegated within Chapter 364, which includes the interconnection and arbitration requirements of sections 364.161 and 364.162. Intrado Comm specifically invoked these provisions as a basis for seeking interconnection and the exchange of traffic, yet no discussion of Florida law appears in the Order, and the parties have not had the opportunity to present oral argument on these issues of Florida law.

It is respectfully submitted that Intrado Comm has demonstrated in its motion for reconsideration that the Commission overlooked critical issues of fact and law and misunderstood the law and facts that it did consider. But given the vital public interests at stake and the novelty of the legal issues in question, the Commission should not forgo the opportunity to engage in a dialogue with the parties and, as a result, develop a deeper understanding of the complex facts and law at the heart of parties' dispute.

WHEREFORE, Intrado Comm respectfully requests that it be granted oral argument on its motion for reconsideration.

Respectfully submitted,

INTRADO COMMUNICATIONS INC.

Chérie R. Kiser
Luke Nikas
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, D.C. 20006
202-862-8950 (telephone)
202-862-8958 (facsimile)
ckiser@cgrdc.com

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

Its Attorneys

Craig W. Donaldson
Senior Vice President - Regulatory Affairs

Rebecca Ballesteros
Associate Counsel

Intrado Communications Inc.
1601 Dry Creek Drive
Longmont, CO 80503
720-494-5800 (telephone)
720-494-6600 (facsimile)

M C
& S

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

www.lawfla.com

December 18, 2008

VIA ELECTRONIC FILING
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

Re: Docket No. 070736-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Intrado Communications Inc. is an electronic version of the following documents:

1. Intrado Communications Inc. Motion for Reconsideration; and

2. Intrado Communications Inc. Request for Oral Argument.

Thank you for your assistance with this filing.

Sincerely yours,

Floyd R. Self

FRS/amb
Enclosures
cc: Rebecca Ballesteros, Esq.
Parties of Record

Regional Center Office Park / 2618 Centennial Place / Tallahassee, Florida 32308
Mailing Address: P.O. Box 15579 / Tallahassee, Florida 32317
Main Telephone: (850) 222-0720 / *Fax:* (850) 224-4359

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/or U.S. Mail this 18th day of December, 2008.

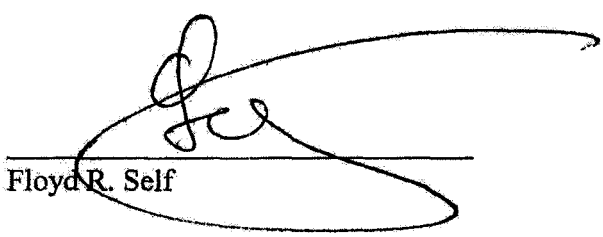
Lee Eng Tan, Esq.
Charlene Poblete, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Michael Barrett
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Karon Ferguson/Annamarie Lemoine
c/o Mr. Gregory Follensbee
AT&T Florida Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32303-1556

Rebecca Ballesteros
Intrado, Inc.
1601 Dry Creek Drive
Longmont, CO 80503

Chérie R. Kiser
Angela F. Collins
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, DC 20006-1181



Floyd R. Self