

Ruth Nettles

From: Scobie, Teresa A (TERRY) [terry.scobie@verizon.com]
Sent: Friday, February 27, 2009 2:24 PM
To: Filings@psc.state.fl.us
Cc: Angela Collins; App, Frank (FRANK); Kimberly Caswell; Cherie Kiser; David Christian; De O'Roark; Demetria Clark; Floyd Self; Intrado; Lee Eng Tan; Townsley, Darrell S
Subject: Docket No. 080134-TP - Verizon Florida LLC's Notice of Supplemental Authority
Attachments: 080134 VZ FL Notice of Supp Auth 2-27-09.pdf



The attached filing is submitted in Docket No. 080134-TP on behalf of Verizon Florida LLC by

Dulaney L. O'Roark III
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The attached document consists of a total of 4 pages - cover letter (1 page), Notice of Supplemental Authority (2 pages), and Certificate of Service (1 page).

Terry Scobie
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Verizon Legal Department
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February 27, 2009 – **VIA ELECTRONIC MAIL**

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

Re: Docket No. 080134-TP
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.

Dear Ms. Cole:

Enclosed for filing in the above-referenced matter is Verizon Florida LLC's Notice of Supplemental Authority. 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 by Intrado Communications Inc.) Docket No. 080134-TP
for arbitration to establish an interconnection) Filed: February 27, 2009
agreement with Verizon Florida LLC, pursuant)
to Section 252(b) of the Communications Act)
of 1934, as amended, and Section 364.12,)
F.S.)
_____)

VERIZON FLORIDA LLC'S NOTICE OF SUPPLEMENTAL AUTHORITY

Verizon Florida LLC ("Verizon") submits this notice of supplemental authority to bring to the Commission's attention a Proposed Arbitration Decision ("PAD") in Intrado's arbitration with AT&T in Illinois. *Intrado, Inc. Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934 as Amended, to Establish an Interconnection Agreement with Illinois Bell Telephone Company, Case No. 08-0545 (Ill. Comm. Comm'n, Feb. 13, 2009)*. The Illinois PAD is directly relevant to Verizon's Motion for Summary Final Order, filed December 16, 2008, because it addresses the threshold jurisdictional issue of whether Intrado is entitled to seek section 251(c) interconnection for its planned 911 services. The PAD explicitly followed the Florida Commission in finding that Intrado is not entitled to section 251(c) interconnection with incumbent local exchange carriers for the 911 services Intrado seeks to provide.¹

¹ See Illinois PAD at 6, 8 ("we will reach the same conclusion as the Florida Commission"), 20 ("we believe that, like the Florida Commission, we have correctly interpreted and applied the Federal Act by concluding that Intrado's proposed 911 service is not telephone exchange service within the meaning of the federal definition"), referencing *Petition for Intrado Comm., Inc. for Arbitration with BellSouth Telecomm., Inc. d/b/a AT&T Florida*, Final Order, Docket 070736-TP (Dec. 3, 2008); *Petition by Intrado Comm., Inc. for Arbitration with Embarq Florida*, Final Order, Docket No. 070699-TP (Dec. 3, 2008).

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Respectfully submitted on February 27, 2009.

By: s/ Dulaney L. O'Roark III
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Attorney for Verizon Florida LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on
February 27, 2009 to:

Theresa Tan, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Floyd R. Self
Messer Capareello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308

Intrado Communications Inc.
Attention: Manager, Regulatory Compliance
1601 Dry Creek Drive
Longmont, CO 80503-6493

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

s/ Dulaney L. O'Roark III