

# **Attachment 2 - Statement of Relevant Authority**

## **ATTACHMENT 2 – STATEMENT OF RELEVANT AUTHORITY**

Below is a list of pending proceedings before the Virginia State Corporation Commission or this Commission relating to the disputed issues and any federal and state statutory, judicial, and regulatory authority relating to the disputed issues. Intrado Comm reserves the right to rely on additional authority as may be necessary during the course of this proceeding.

**Issue 1:       Where should the points of interconnection be located and what terms and conditions should apply with regard to interconnection and transport of traffic?**

**Federal Statutes, Rules, and Legislative History**

Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996) (codified at 47 U.S.C. §§ 151, *et seq.* (1996)).

47 U.S.C. § 251(c).

47 U.S.C. § 252.

47 C.F.R. § 51.305(a).

**Commission Decisions and Pending Proceedings**

*Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration, et al.*, 17 FCC Rcd 27039 (2002) (“*Virginia Arbitration Order*”).

*Developing a Unified Intercarrier Compensation Regime*, 16 FCC Rcd 9610 (2001) (“*Intercarrier Compensation NPRM*”).

*E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245 (2005) (“*VoIP E911 Order*”).

*Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request of King County*, 17 FCC Rcd 14789 (2002).

*Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, 11 FCC Rcd 15499 (1996) (“*Local Competition Order*”).

*Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 9 FCC Rcd 6170 (1994).

Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, to Marlys R. Davis, E911 Program Manager, Department of Information and Administrative Services, King County, Washington, WT Docket No. 94-102 (rel. May 7, 2001).

**Court Decisions**

*Rock of Ages Corp. v. Secretary of Labor*, 170 F.3d 148, 155 (2nd Cir. 1999).

*U.S. v. Snider*, 502 F.2d 645, 652 (C.A.N.C. 1974).

**State Statutes, Rules, Decisions, and Pending Proceedings**

Ohio Case No. 07-1216-TP-ARB, *Petition of Intrado Communications, Inc. for Arbitration of Interconnection Rates, Terms, and Conditions and Related Arrangements with United Telephone Company of Ohio dba Embarq and United Telephone Company of Indiana dba Embarq Pursuant to Section 252(b) of the Telecommunications Act of 1996*, Arbitration Award (Sept. 24, 2008) (“*Ohio Embarq Arbitration Award*”).

**Issue 2: Whether the Parties should implement inter-selective router trunking and what terms and conditions should govern the exchange of 911/E-911 calls between the Parties?**

**Federal Statutes, Rules, and Legislative History**

47 U.S.C. § 251(c)(5).

47 C.F.R. § 51.325(a)(2).

**Commission Decisions and Pending Proceedings**

*Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, 11 FCC Rcd 15499 (1996) (“*Local Competition Order*”).

*Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392 (1996) (“*FCC Interoperability Order*”).

*Telephone Number Portability*, 12 FCC Rcd 12281 (1997).

*E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245 (2005) (“*VoIP E911 Order*”).

**State Statutes, Rules, Decisions, and Pending Proceedings**

Case No. 07-1199-TP-ACE, *Application of Intrado Communications Inc. to Provide Competitive Local Exchange Services in the State of Ohio*, Finding and Order (Feb. 5, 2008) (“*Ohio Certification Order*”), Order on Rehearing (Apr. 2, 2008) (“*Ohio Certification Rehearing Order*”).

Case No. 08-0298-T-PC, *Intrado Communications Inc. and Verizon West Virginia Inc., Petition for Arbitration pursuant to § 252(b) of 47 U.S.C. and 150 C.S.R. 6.15.5*, Arbitration Award (Nov. 14, 2008) (“*West Virginia ALJ Award*”).

**Issue 3: Whether the forecasting provisions should be reciprocal?**

Please see legal authority under Issue 1.

**Issue 4: What terms and conditions should govern how the Parties will initiate interconnection?**

Please see legal authority under Issue 1.

**Issue 5: How should the Parties route 911/E-911 calls to each other?**

**Federal Statutes, Rules, and Legislative History**

47 U.S.C. § 251(c)(2)(C).

47 C.F.R. § 51.305(a)(3).

47 U.S.C. § 202.

**Commission Decisions and Pending Proceedings**

*Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration, et al.*, 17 FCC Rcd 27039 (2002) (“*Virginia Arbitration Order*”).

Additional legal authority is also set forth under Issue 1.

**Issue 6: Whether 911 Attachment Section 1.1.1 should include reciprocal language describing both Parties’ 911/E-911 facilities?**

**State Statutes, Rules, Decisions, and Pending Proceedings**

Case No. 08-0298-T-PC, *Intrado Communications Inc. and Verizon West Virginia Inc., Petition for Arbitration pursuant to § 252(b) of 47 U.S.C. and 150 C.S.R. 6.15.5*, Arbitration Award (Nov. 14, 2008) (“*West Virginia ALJ Award*”).

**Issue 7: Whether the agreement should contain provisions with regard to the Parties maintaining ALI steering tables, and, if so, what those provisions should be?**

**Commission Decisions and Pending Proceedings**

*Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392 (1996) (“*FCC Interoperability Order*”).

**Issue 8: Whether certain definitions related to the Parties' provision of 911/E-911 Service should be included in the interconnection agreement and what definitions should be used?**

**Commission Decisions and Pending Proceedings**

*Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request of King County, 17 FCC Rcd 14789 (2002).*

**State Statutes, Rules, Decisions, and Pending Proceedings**

Case No. 08-0298-T-PC, *Intrado Communications Inc. and Verizon West Virginia Inc., Petition for Arbitration pursuant to § 252(b) of 47 U.S.C. and 150 C.S.R. 6.15.5*, Arbitration Award (Nov. 14, 2008) ("*West Virginia ALJ Award*").

**Other Authority**

*NENA Master Glossary of 911 Terminology, Version 11 (May 16, 2008).*

**Issue 9: Should 911 Attachment Section 2.5 be reciprocal and qualified as proposed by Intrado Comm?**

**State Statutes, Rules, Decisions, and Pending Proceedings**

Case No. 08-0298-T-PC, *Intrado Communications Inc. and Verizon West Virginia Inc., Petition for Arbitration pursuant to § 252(b) of 47 U.S.C. and 150 C.S.R. 6.15.5*, Arbitration Award (Nov. 14, 2008) ("*West Virginia ALJ Award*").

**Issue 10: What should Verizon charge Intrado Comm for 911/E-911 related services and what should Intrado Comm charge Verizon for 911/E-911 related services?**

**Federal Statutes, Rules, and Legislative History**

47 U.S.C. §§ 251(c)(2), (c)(3).

47 U.S.C. § 252(d)(1).

**Commission Decisions and Pending Proceedings**

*Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, 11 FCC Rcd 15499 (1996) ("Local Competition Order").*

**Court Decisions**

*Southwestern Bell Tel., L.P. v. Missouri Pub. Serv. Comm'n, 530 F.3d 676, 684 (8th Cir. 2008).*

**State Statutes, Rules, Decisions, and Pending Proceedings**

Ohio Case No. 08-537-TP-ARB, *Petition of Intrado Communications Inc. for Arbitration pursuant to Section 252(b) of the Communications Act of 1934, as Amended, to Establish an Interconnection Agreement with Cincinnati Bell Telephone Company*, Arbitration Award (Oct. 8, 2008) (“*Ohio CBT Award*”).

**Issue 11: Whether all “applicable” tariff provisions shall be incorporated into the agreement; whether tariffed rates shall apply without a reference to the specific tariff; whether tariffed rates may automatically supersede the rates contained in the Pricing Attachment, Appendix A without a reference to the specific tariff; and whether the Verizon proposed language in the Pricing Attachment Section 1.5 with regard to “TBD” rates should be included in the agreement?**

**Federal Statutes, Rules, and Legislative History**

47 U.S.C. §§ 251(c)(2), (c)(3).

47 U.S.C. § 252(d)(1).

**Commission Decisions and Pending Proceedings**

*Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration, et al.*, 17 FCC Rcd 27039 (2002) (“*Virginia Arbitration Order*”).

**State Statutes, Rules, Decisions, and Pending Proceedings**

Case No. 08-0298-T-PC, *Intrado Communications Inc. and Verizon West Virginia Inc., Petition for Arbitration pursuant to § 252(b) of 47 U.S.C. and 150 C.S.R. 6.15.5*, Arbitration Award (Nov. 14, 2008) (“*West Virginia ALJ Award*”).

**Issue 12: Whether Verizon may require Intrado Comm to charge the same rates as, or lower rates than, the Verizon rates for the same services, facilities, and arrangement?**

**Commission Decisions and Pending Proceedings**

*Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration, et al.*, 17 FCC Rcd 27039 (2002) (“*Virginia Arbitration Order*”).

**State Statutes, Rules, Decisions, and Pending Proceedings**

Case No. 08-0298-T-PC, *Intrado Communications Inc. and Verizon West Virginia Inc., Petition for Arbitration pursuant to § 252(b) of 47 U.S.C. and 150 C.S.R. 6.15.5*, Arbitration Award (Nov. 14, 2008) (“*West Virginia ALJ Award*”).

Case 99-C-1389, *Petition of Sprint Communications Company L.P., Pursuant to Section 252(b) of the Telecommunications Act of 1996, for Arbitration to Establish an Intercarrier Agreement with Bell-Atlantic New York Inc.*, Order Resolving Arbitration Issues (N.Y.P.S.C. Jan. 28, 2000)

Docket No. 00-10-22, *Petition of Cablevision Lightpath-CT, Inc. for Arbitration*, Decision (CT DPUC Apr. 11, 2001)

Docket No. TO01080498, *Petition of Cablevision Lightpath-NJ, Inc. for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Verizon New Jersey Inc.*, Order Approving Interconnection Agreement (NJ BPU Mar. 1, 2002).

**Issue 13: Should the waiver of charges for 911 call transport, 911 call transport facilities, ALI Database, and MSAG be qualified as proposed by Intrado Comm by other provisions of the Agreement?**

Please see legal authority under Issue 1.

**Issue 14: Should the reservation of rights to bill charges to 911 Controlling Authorities and PSAPs be qualified as proposed by Intrado Comm by “To the extent permitted under the Parties’ Tariffs and Applicable Law?”**

**State Statutes, Rules, Decisions, and Pending Proceedings**

Florida Docket No. 090089-TP, *Petition for Declaratory Statement Regarding Local Exchange Telecommunications Network Emergency 911 Service*, by *Intrado Communications Inc.*, Order No. PSC-08-0374-DS-TP (Fla. P.S.C. June 4, 2008).

Ohio Case No. 07-1216-TP-ARB, *Petition of Intrado Communications, Inc. for Arbitration of Interconnection Rates, Terms, and Conditions and Related Arrangements with United Telephone Company of Ohio dba Embarq and United Telephone Company of Indiana dba Embarq Pursuant to Section 252(b) of the Telecommunications Act of 1996*, Arbitration Award (Sept. 24, 2008) (“*Ohio Embarq Arbitration Award*”).

**Issue 15: Should Intrado Comm have the right to have the agreement amended to incorporate provisions permitting it to exchange traffic other than 911/E-911 calls?**

**Commission Decisions and Pending Proceedings**

*Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 19 FCC Rcd 13494 (2004).

**Issue 16: Should the Verizon proposed term “a caller” be used to identify what entity is dialing 911, or should this term be deleted, as proposed by Intrado Comm?**

Please see legal authority under Issue 1.