

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
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 Petition of Intrado Communications of Virginia)
 Inc. Pursuant to Section 252(e)(5) of the)
 Communications Act for Preemption of the)
 Jurisdiction of the Virginia State Corporation)
 Commission Regarding Arbitration of an)
 Interconnection Agreement with Central)
 Telephone Company of Virginia and United)
 Telephone – Southeast, Inc. (collectively,)
 Embarq))
)
 Petition of Intrado Communications of Virginia)
 Inc. Pursuant to Section 252(e)(5) of the)
 Communications Act for Preemption of the)
 Jurisdiction of the Virginia State Corporation)
 Commission Regarding Arbitration of an)
 Interconnection Agreement with Verizon South)
 Inc. and Verizon Virginia Inc. (collectively,)
 Verizon))

WC Docket No. 08-33

WC Docket No. 08-185

ORDER

Adopted: December 9, 2008

Released: December 9, 2008

By the Chief, Wireline Competition Bureau:

1. On March 6, 2008, Intrado Communications of Virginia Inc. (Intrado) filed a petition for preemption¹ of the jurisdiction of the Virginia State Corporation Commission (Virginia Commission) pursuant to section 252(e)(5) of the Communications Act of 1934, as amended (Act).² In its petition, Intrado requested that the Commission preempt the jurisdiction of the Virginia Commission with respect to the arbitration of Intrado's interconnection agreement with Central Telephone Company of Virginia and United Telephone – Southeast, Inc. (collectively, Embarq). On July 18, 2008, Intrado filed a similar section 252(e)(5) petition to preempt the jurisdiction of the Virginia Commission with respect to the

¹ See Petition of Intrado Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Arbitration of an Interconnection Agreement with Central Telephone Company of Virginia and United Telephone – Southeast, Inc. (collectively, Embarq), WC Docket No. 08-33 (filed Mar. 6, 2008).

² 47 U.S.C. § 252(e)(5).

arbitration of Intrado's interconnection agreement with Verizon South Inc. and Verizon Virginia Inc. (collectively, Verizon).³

2. On June 4, 2008, the Wireline Competition Bureau (Bureau) released the *Intrado/Embarq Preemption Order*,⁴ which preempted, pursuant to section 252(e)(5) of the Act, the jurisdiction of the Virginia Commission with respect to the arbitration of an interconnection agreement between Intrado and Embarq. After a joint pre-filing conference, the Bureau issued a public notice establishing procedures for arbitrating an interconnection agreement between Intrado and Embarq.⁵ Pursuant to the public notice, Intrado filed a petition for arbitration of its interconnection disputes with Embarq on August 13, 2008.⁶

3. On October 16, 2008, the Bureau released the *Intrado/Verizon Preemption Order*,⁷ which preempted, pursuant to section 252(e)(5) of the Act, the jurisdiction of the Virginia Commission with respect to the arbitration of an interconnection agreement between Intrado and Verizon. In the *Intrado/Verizon Preemption Order*, the Bureau directed Intrado to contact the Bureau to schedule a joint pre-filing conference.⁸ That initial pre-filing conference was held on November 13, 2008 and Intrado is required to file its arbitration petition in this proceeding on or before December 15, 2008.

4. In this Order, we consolidate the above-captioned arbitration proceedings on our own motion.⁹ In the *Arbitration Procedures Order*, the Commission authorized the Bureau, as Arbitrator, to consolidate arbitration proceedings upon the Bureau's own motion or motion of the parties "in order to reduce administrative burdens on the parties and the Commission in carrying out its responsibilities under

³ See Petition of Intrado Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Arbitration of an Interconnection Agreement with Verizon South Inc. and Verizon Virginia Inc. (collectively, Verizon), WC Docket No. 08-185 (filed July 18, 2008).

⁴ See Petition of Intrado Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Arbitration of an Interconnection Agreement with Central Telephone Company of Virginia and United Telephone – Southeast, Inc. (collectively, Embarq), WC Docket No. 08-33, Memorandum Opinion and Order, 23 FCC Rcd 8715 (WCB 2008) (*Intrado/Embarq Preemption Order*).

⁵ *Procedures Established for Arbitration of an Interconnection Agreement Between Intrado Communications of Virginia and Embarq*, WC Docket No. 08-33, Public Notice, 23 FCC Rcd 12020 (2008).

⁶ Embarq filed its Response on September 8, 2008, and Intrado filed a Reply on September 19, 2008.

⁷ See Petition of Intrado Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of Jurisdiction of the Virginia State Corporation Commission Regarding Arbitration of an Interconnection Agreement with Verizon South Inc. and Verizon Virginia Inc. (collectively, Verizon), WC Docket No. 08-185, Memorandum Opinion and Order, 23 FCC Rcd 15008 (WCB 2008) (*Intrado/Verizon Preemption Order*).

⁸ See *id.* at 15010, para. 5.

⁹ See *Procedures for Arbitrations Conducted Pursuant to Section 252(e)(5) of the Communications Act of 1934, as amended*, Order, 16 FCC Rcd 6231 (2001) (*Arbitration Procedures Order*); see also 47 C.F.R. §§ 51.805, 51.807. The Commission delegated to the Chief, Common Carrier Bureau (now the Wireline Competition Bureau), authority to serve as the Arbitrator in section 252(e)(5) arbitration proceedings, with the assistance of the staff of the Wireline Competition and Enforcement Bureaus.

the Act."¹⁰ This authority was modeled on section 252(g) of the Act, which expressly authorizes state commissions to consolidate arbitration proceedings.¹¹

5. Based on Intrado's preemption petitions and the state proceedings that preceded them, the Bureau anticipates that the arbitration proceedings between Intrado and Embarq, and Intrado and Verizon will present substantially similar issues with significant overlap. Accordingly, we find that consolidation is appropriate to reduce administrative burdens on the parties and the Commission.¹²

6. Although this Order consolidates the above-captioned proceedings, consistent with the *Intrado/Verizon Preemption Order*, Intrado must separately petition the Commission to obtain arbitration of the interconnection disputes with Verizon that were the subject of the Virginia Commission proceeding.¹³ We set forth procedures and a pleading schedule for that arbitration petition in a Public Notice released on December 9, 2008.¹⁴

7. Accordingly, IT IS ORDERED that, pursuant to section 252 of the Communications Act of 1934, as amended, 47 U.S.C. § 252, and sections 0.91, 0.291, 51.805, 51.807 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 51.805, 51.807, the above-captioned proceedings are hereby consolidated.

FEDERAL COMMUNICATIONS COMMISSION

Dana R. Shaffer
Chief, Wireline Competition Bureau

¹⁰ *Arbitration Procedures Order*, 16 FCC Rcd at 6235, para. 16.

¹¹ *Id.*

¹² The Commission has previously consolidated substantially overlapping arbitration proceedings that raised common issues. See, e.g., *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*, CC Docket Nos. 00-218, 00-251, Memorandum Opinion and Order, 18 FCC Rcd 17722 (WCB 2003).

¹³ See *Intrado/Verizon Preemption Order*, 23 FCC Rcd at 15010, at para. 5.

¹⁴ *Procedures Established for Arbitration of an Interconnection Agreement Between Intrado Communications of Virginia and Verizon*, WC Docket No. 08-185, Public Notice, DA 08-2680 (rel. Dec. 9, 2008).