

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of the Petition)	
of Intrado Communications of Virginia Inc. for Arbitration)	
Pursuant to Section 252(b) of the Communications Act)	WC Docket No. 08-33
of 1934, as amended, to Establish an Interconnection)	
Agreement with Central Telephone Company of Virginia)	
and United Telephone - Southeast, Inc.)	
(collectively, "Embarq"))	
)	
)	

In the Matter of the Petition of)	
Intrado Communications of Virginia Inc. for Arbitration)	
Pursuant to Section 252(b) of the Communications Act)	WC Docket No. 08-185
of 1934, as amended, to Establish an Interconnection)	
Agreement with Verizon South Inc. and Verizon Virginia)	
Inc. (collectively, "Verizon"))	
)	

**SIXTH CONSOLIDATED STATUS REPORT
OF INTRADO COMMUNICATIONS OF VIRGINIA INC.**

Intrado Communications of Virginia Inc. ("Intrado Comm"), by its attorneys, respectfully submits this Sixth Consolidated Status Report in response to the request from staff of the Wireline Competition Bureau ("Bureau") of the Federal Communications Commission ("Commission" or "FCC"). This report provides information regarding the status of negotiations between Intrado Comm and Central Telephone Company of Virginia and United Telephone - Southeast, Inc. (collectively, "Embarq"), including the status of other state arbitration proceedings pending between Intrado Comm and Embarq. On February 19, 2009, the Staff of the Florida Public Service Commission issued recommendations regarding Intrado Comm's Motion for Reconsideration of the Florida commission's December 3, 2008 decision in the Intrado Comm/Embarq Florida arbitration proceeding.¹ Florida Staff recommends that the

¹ A copy of Intrado Comm's Motion for Reconsideration was attached to Intrado Comm's First Consolidated

Florida commission deny Intrado Comm's request for reconsideration. A copy of the Florida Staff recommendation is set forth in Attachment 1. The full Florida commission is expected to vote on the Staff recommendation during the Florida commission's routine agenda meeting on March 3, 2009.

This report also provides information regarding the status of negotiations between Intrado Comm and Verizon South Inc. and Verizon Virginia Inc. (collectively, "Verizon"), including the status of other state arbitration proceedings pending between Intrado Comm and Verizon. The following updates have occurred since Intrado Comm's Fifth Consolidated Status Report filed February 12, 2009:

Illinois - On February 13, 2009, the Administrative Law Judges ("ALJs") in Intrado Comm's arbitration proceeding with AT&T Illinois issued a Proposed Arbitration Decision. A copy is set forth in Attachment 2. The same ALJs are presiding over Intrado Comm's arbitration proceeding with Verizon in Illinois. In light of this and the proposed findings reviewed below, Intrado Comm, Verizon, and Staff have agreed to hold the Verizon Illinois arbitration proceeding in abeyance pending a final decision in the AT&T Illinois arbitration proceeding.²

In part, the ALJs' decision was based on the lack of definitive guidance from the FCC or federal courts on the issue of whether the provision of 911/E911 services to public safety agencies constitutes "telephone exchange service" qualifying for Section 251(c) interconnection:

Today's result is limited to the record in this particular case and the current state of the law, including the absence of an FCC ruling regarding the status of stand-alone 911 service as 'telephone exchange service.' . . . The FCC's Wireline Competition Bureau will issue a decision and it will resonate among the state Commissions (including this one). . . . [T]he Bureau's decisions are

Status Report.

² Under Illinois rules, petitions for rehearing are due within 30 days after a final order is issued. Thus, the Illinois commission's decision will not become final until after the 30-day deadline has passed.

accorded considerable persuasive weight and frequent citation by the state commissions. . . . Furthermore, by issuing a final arbitration decision, we enable Intrado to seek review in the federal District Courts under subsection 252(e)(6), thereby obtaining additional federal guidance on the meaning of the Federal Act.³

Unlike the Florida and Ohio commissions, the Illinois ALJs did not address Intrado Comm's right to interconnection under Section 251(a). Thus, certain states are relying upon a perceived lack of definitive guidance from the FCC or the federal courts on this threshold legal issue to erect a barrier to entry on Intrado Comm's competitive provision of 911 services to public safety agencies in those states.

On February 23, 2009, Intrado Comm filed a Brief on Exceptions in response to the Proposed Arbitration Decision. A copy of Intrado Comm's Brief on Exceptions is set forth in Attachment 3 and a copy of Illinois Staff's Brief on Exceptions is set forth in Attachment 4. AT&T did not file exceptions. Reply briefs on exceptions are due March 2, 2009, and a final decision from the Illinois Commerce Commission is expected during the Illinois commission's routine agenda meeting on March 17 or March 25, 2009.

Delaware - In light of the Illinois ALJs' decision that the FCC or a federal court needs to rule on Intrado Comm's entitlement to Section 251(c) interconnection, Intrado Comm and Verizon have agreed to hold the arbitration proceeding in abeyance pending a decision from the Bureau/Commission in this consolidated arbitration.

North Carolina - In light of the Illinois ALJs' decision that the FCC or a federal court needs to rule on Intrado Comm's entitlement to Section 251(c) interconnection, Intrado Comm and Verizon have agreed to hold the arbitration proceeding in abeyance pending a decision from the Bureau/Commission in this consolidated arbitration.

³ Illinois Docket No. 08-0545, *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*

Ohio - Intrado Comm and Verizon filed initial briefs on February 13, 2009. Intrado Comm's Initial Brief is set forth in Attachment 5 and Verizon's Initial Brief is set forth in Attachment 6. Reply briefs are due March 6, 2009.

Maryland - Intrado Comm and Verizon filed initial briefs on February 20, 2009. Intrado Comm's Initial Brief is set forth in Attachment 7 and Verizon's Initial Brief (without exhibits) is set forth in Attachment 8. Reply briefs are due March 25, 2009.

Massachusetts - Intrado Comm and Verizon filed initial briefs on February 26, 2009. Intrado Comm's Initial Brief (without exhibits) is set forth in Attachment 9 and Verizon's Initial Brief (without exhibits) is set forth in Attachment 10. Reply briefs are due March 12, 2009.

Respectfully submitted,

**INTRADO COMMUNICATIONS OF
VIRGINIA INC.**

Craig W. Donaldson
Senior Vice President - Regulatory & Government
Affairs, Regulatory Counsel

Rebecca Ballesteros
Assistant General Counsel

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

Dated: February 26, 2009

/s/ Chérie R. Kiser

Chérie R. Kiser
Angela F. Collins
Cahill Gordon & Reindel LLP
1990 K Street, N.W.
Suite 950
Washington, D.C. 20554
202-862-8900 (telephone)
202-862-8958 (facsimile)
ckiser@cgrdc.com
acollins@cgrdc.com

Its Attorneys

CERTIFICATE OF SERVICE

I, Angela F. Collins, certify that on this 26th day of February 2009, I served a copy of the foregoing Consolidated Status Report on the following via the method indicated:

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Via ECFS

Christi Shewman
Stephanie Weiner
Wireline Competition Bureau
445 12th Street, SW
Washington, DC 20554
Via Electronic Mail

John E. Benedict
Embarq
701 Pennsylvania Avenue, NW, Suite 820
Washington, DC 20004
Via Electronic Mail

Edward Phillips
Embarq
14111 Capital Boulevard
Wake Forest, NC 27587
Mailstop: NCWKFR0313
Via Electronic Mail

Kathleen Grillo
Verizon
1300 I Street, NW, Suite 400 West
Washington, DC 20005
Via Electronic Mail

Leslie V. Owsley
Verizon
1320 North Courthouse Road, 9th Floor
Arlington, VA 22201
Via Electronic Mail

/s/ Angela F. Collins

Angela F. Collins