

VIA ECFS

April 22, 2009

NOTICE OF EX PARTE

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

Re: *Embarq Corporation, Trasferor, and CenturyTel, Inc. Transferee, Application for Transfer of Control of Domestic Authorizations Under Section 214 of the Communications Act, as Amended, WC Docket No. 08-238*

Dear Ms. Dortch:

On April 21, 2009, Intrado Communications Inc. (“Intrado”) representatives, Carey Spence-Lenss, Vice President, Regulatory and Government Affairs, and Susan McGurkin, Director, Federal Government and Regulatory Policy, met separately with Mark Stone, Policy Advisor to Commissioner Adelstein; Nick Alexander, Policy Advisor to Commissioner McDowell; and Dennis Johnson, William Dever, Donald Stockdale, Joel Rabinovitz, and Nicholas Degani of the Wireline Competition Bureau.

The purpose of the meeting was to support the merger conditions proposed by COMPTel, in particular a condition that would require the merged entity to port existing interconnection agreements from state to state. That condition states:

The CenturyTel/Embarq ILECs shall make available to any requesting telecommunications carrier any entire effective interconnection or reciprocal compensation agreement (“agreement”), whether negotiated or arbitrated, that any CenturyTel ILEC or Embarq ILEC entered into in any State, subject to State-specific pricing and performance plans and technical feasibility; and provided, further, that a CenturyTel/Embarq ILEC shall not be obligated to provide any interconnection arrangement if it demonstrates that the arrangement is technically infeasible to provide, given the technical and network attributes and limitations, and is inconsistent with the laws and regulatory requirements of, the State for which the request is made. In determining technical feasibility, CenturyTel/Embarq will be bound by 47 C.F.R. 51.305(d) which states that “previous successful interconnection at a particular point in a network at a particular level of quality constitutes substantial evidence that interconnection is technically feasible at that point, or at substantially similar points, at that level of quality.” Any such adoption is presumed effective upon notice from the requesting telecommunications carrier to the relevant CenturyTel/Embarq ILEC

and approval by the appropriate state commission, subject to true-up for state-specific pricing.¹

Intrado explained that it is poised to offer competitive 911 services throughout the country and has sought interconnection from Embarq. Intrado shares COMPTEL's concern that "the merger of two incumbent LECs increases, rather diminishes, the merged firm's market power by 'increasing the merged entity's incentives and ability to discriminate against entrants into the local markets of the merging firms.'"² Conditions, such as the above porting provision, will ensure open and non-discriminatory interconnection and foster competition.

Sincerely,

/s/ Carey Spence-Lens

Carey Spence-Lens
Vice President, Regulatory &
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¹ Comments of COMPTEL, In the Matter of Applications Filed for the Transfer of Control of Embarq Corporation to CenturyTel, Appendix A, ¶ 1, WC Docket No. 08-238, DA 08-2681 (January 8, 2009).

² *Id* at 5 (citing, *AT&T/Bell South Merger Order*, 22 FCC Rcd 5662, 5671-72, ¶ 3).