

# Attachment 4

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October 6, 2009

## VIA HAND DELIVERY

Walter L. Thomas, Jr., Secretary  
Alabama Public Service Commission  
RSA Union Building  
100 North Union Street  
Montgomery, AL 36104

**RE: In the Matter of the 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 CenturyTel of Alabama, LLC d/b/a CenturyTel; Docket No: 31036**

Dear Mr. Thomas:

On behalf of CenturyTel of Alabama, LLC d/b/a CenturyLink, we wish to respond to Intrado Communications Inc.'s ("Intrado") September 29, 2009 letter, opposing CenturyLink's request that the Commission determine whether Intrado qualifies for Section 251(c) Interconnection and Section 252 Arbitration as part of a generic or consolidated proceeding.

Intrado claims that any further delay would result in a violation of Sections 252(b)(4)(C) and 253(a) of the Communications Act of 1934, as amended (the "Act"). However, neither CenturyLink nor the Commission has been responsible for the delays up to this point. Intrado's petition admittedly failed to meet the requirements of Commission Rule T-26(A)(2)(h), in that it did not include prefiled testimony. CenturyLink timely filed a Verified Answer and a Motion to Dismiss on December 12, 2008. Intrado's next filing occurred over eight (8) months later, on August 27, 2009.

As was the case in Texas, this Commission has explicit legal authority to address the threshold jurisdictional issue in a consolidated proceeding under both Section 252(g) of the Act and Commission Rules T-26(C)(3) and (G)(2). A consolidated proceeding would be a more efficient way of considering this issue, and would likely take less time than two separate proceedings and briefing schedules.

Walter L. Thomas, Jr.  
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Very truly yours,

WILKERSON & BRYAN, P.C.

A handwritten signature in black ink, appearing to read 'Mark D. Wilkerson', with a long horizontal flourish extending to the right.

Mark D. Wilkerson

cc: James H. McLemore, Esq.  
Che'rie R. Kiser, Esq.  
Angela F. Collins, Esq.  
Susan Masterton, Esq.  
Honorable John Garner  
Doug Dillard  
Mac McArthur