

ATTACHMENT C

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

The Ohio Bell Telephone
Company d/b/a AT&T Ohio,
45 Erieview Plaza, #1600
Cleveland, OH 44114

Plaintiff,

v.

ALAN R. SCHRIBER, Chairman; RONDA
HARTMAN FERGUS, Commissioner; VALERIE
A. LEMMIE, Commissioner; PAUL A.
CENTOLELLA, Commissioner, and CHERYL L.
ROBERTO, Commissioner, in their official
capacities as Commissioners of the Public Utilities
Commission of Ohio
180 E. Broad Street
Columbus, OH 43215

and

Intrado Communications Inc.,
1601 Dry Creek Drive
Longmont, Colorado 80503

Defendants.

Case No. 2:09-cv-00918-
ALM-MRA

Judge Marbley

Magistrate Judge Abel

**AT&T OHIO'S RESPONSE TO INTRADO'S
SUBMISSION OF SUPPLEMENTAL AUTHORITY**

Plaintiff the Ohio Bell Telephone Company ("AT&T Ohio") respectfully submits this response to Intrado Communications Inc.'s ("Intrado") submission of a decision by the Kentucky Public Service Commission as supplemental authority. The Kentucky decision is irrelevant here. That case involved INdigital, which is a different company than Intrado. Thus, while the

Kentucky Commission found (erroneously) that INdigital's service qualified as "telephone exchange service," it has never analyzed Intrado's service. Moreover, in evaluating the issue before it the Kentucky Commission relied on rationales far different than the Public Utilities Commission of Ohio did in the decision on review here (or in its briefs in this case). The Ohio decision must stand or fall on its own merits. It cannot be saved by a decision in another state regarding a different company and relying on different rationales.

Respectfully submitted,

/s/ J. Tyson Covey

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Initial Brief on the Merits of AT&T Ohio was served, via the Court's electronic delivery system, on this 19th day of February, 2010 to the following:

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