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

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SEP 14 2010

FCC Mail Room

In the Matters of)
)
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: September 13, 2010

Released: September 13, 2010

By the Chief, Wireline Competition Bureau:

1. On July 18, 2008, Intrado Communications of Virginia Inc. (Intrado) filed a petition, pursuant to section 252(e)(5) of the Communications Act of 1934, as amended,¹ requesting that the Commission preempt the jurisdiction of the Virginia State Corporation Commission (Virginia Commission) with respect to the arbitration of an interconnection agreement between Intrado and Verizon South Inc. and Verizon Virginia Inc. (collectively, Verizon).² On October 16, 2008, the Wireline Competition Bureau (Bureau) released an order granting Intrado's petition and preempting the Virginia Commission's jurisdiction over the Intrado/Verizon arbitration.³ In accordance with that order, Intrado filed a petition

¹ 47 U.S.C. § 252(e)(5).

² See *Petition of Intrado Communications of Virginia Inc.*, WC Docket No. 08-185 (filed July 18, 2008). On December 9, 2008, the Bureau consolidated this proceeding with an arbitration between Intrado and Embarq (now CenturyLink) involving substantially similar issues. 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)*; *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 Nos. 08-33, 08-185, Order, 23 FCC Rcd 17867 (WCB 2008). The latter proceeding, WC Docket No. 08-33, remains pending.

³ 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

(continued...)

for arbitration with the Commission on December 15, 2008.⁴ On August 31, 2010, Intrado filed a motion to withdraw its petition for arbitration, explaining that it has negotiated interconnection agreements with Verizon in Virginia that will render all issues raised in its petition for arbitration moot.⁵

2. We grant Intrado's motion to withdraw and dismiss this proceeding without prejudice.⁶ We further terminate the Commission's jurisdiction under section 252(e)(5) of the Act over the Intrado/Verizon arbitration upon release of this Order.

3. Accordingly, IT IS ORDERED that, pursuant to sections 4(j) and 252 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(j), 252, and sections 0.91, 0.291, 51.805, and 51.807 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 51.805, and 51.807, Intrado's Motion to Withdraw IS GRANTED, and this proceeding IS DISMISSED without prejudice. WC Docket No. 08-185 is closed.

FEDERAL COMMUNICATIONS COMMISSION


Sharon E. Gillett
Chief
Wireline Competition Bureau

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No. 08-185, Memorandum Opinion and Order, 23 FCC Red 15008 (WCB 2008) (*Intrado/Verizon Preemption Order*).

⁴ See Petition of Intrado Communications of Virginia Inc. for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as Amended, to Establish an Interconnection Agreement with Verizon South Inc. and Verizon Virginia Inc., WC Docket No. 08-185 (filed Dec. 15, 2008).

⁵ See Intrado Communications of Virginia Inc.'s Motion to Withdraw Petition for Arbitration, WC Docket No. 08-185, at 1 (filed Aug. 31, 2010).

⁶ The Commission has authorized the Chief, Common Carrier Bureau (now Wireline Competition Bureau) to serve as the arbitrator in section 252(e)(5) proceedings. *Procedures for Arbitrations Conducted Pursuant to Section 252(e)(5) of the Communications Act of 1934, As Amended*, Order, 16 FCC Red 6231, 6233, para. 8 (2001). In the *Intrado/Verizon Preemption Order*, the Bureau stated that "the Commission retains exclusive jurisdiction over any proceeding or matter over which it assumes responsibility under section 252(e)(5)." *Intrado/Verizon Preemption Order*, 23 FCC Red at 15010, para. 6.