

**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 of 1934, as amended, to)	
Establish an Interconnection Agreement with)	WC Docket No. 08-33
Central Telephone Company of Virginia and)	
United Telephone - Southeast, Inc.)	
)	
)	

**THIRTY-EIGHTH STATUS REPORT
OF INTRADO COMMUNICATIONS OF VIRGINIA INC.**

Intrado Communications of Virginia Inc. (“Intrado”), by its attorneys, respectfully submits this Thirty-Eighth Status Report in response to the request from staff of the Wireline Competition Bureau (“Bureau”) of the Federal Communications Commission (“Commission” or “FCC”).¹

Overview

As a result of the Bureau’s dismissal of Intrado’s petition for arbitration with Verizon South Inc. and Verizon Virginia Inc. (collectively, “Verizon”), Intrado has narrowed this status report to address two remaining issues. First, Intrado will address the appeal of Intrado’s arbitration with Ohio Bell Telephone Company (“AT&T Ohio”). Second, Intrado also will address the status of its interconnection negotiations with the Central Telephone Company of

¹ In 2008, Intrado filed separate petitions for arbitration of unresolved issues in its negotiations with the CenturyLink (formerly Embarq) ILEC’s Central Telephone Company of Virginia and United Telephone – Southeast, Inc. in Virginia (WC Docket No. 08-33) and with ILEC’s Verizon South Inc. and Verizon Virginia Inc. in Virginia (WC Docket No. 08-185). On December 9, 2008, the Bureau consolidated the petitions on its own motion. *In the Matter of Petition of Intrado Communications of Virginia Inc., Order*, DA 08-2682 (WCB 2008). Prior status reports were filed on a consolidated basis with WC Docket No. 08-185. However, on September 13, 2010, the Bureau granted Intrado’s Motion to Withdraw its petition in Docket 08-185. *See Order*, DA 10-1733 (rel. Sept. 13, 2010). Accordingly, Intrado is filing this status report in WC Docket 08-33 only.

Virginia and United Telephone – Southeast, Inc. (collectively, “CenturyLink”) (formerly, Embarq), including any state arbitration proceedings. This consolidated status report provides updated information regarding the status of each of the above matters.²

Ohio AT&T Litigation. AT&T’s appeal of an arbitration decision rendered by the Public Utilities Commission of Ohio (“PUCO”) concerning Intrado’s arbitration with AT&T Ohio is pending in the U.S. District Court for the Southern District of Ohio.³ AT&T also has appealed an arbitration decision rendered by the North Carolina Utilities Commission (“NCUC”) regarding Intrado’s arbitration with AT&T North Carolina (“AT&T”).⁴ As reported in the Thirty-Sixth Consolidated Status Report, the Eastern District of North Carolina court rejected the AT&T affiliate’s arguments and upheld the NCUC’s decision that Intrado’s 911 service qualifies as telephone exchange service under both 47 U.S.C. § 153(47)(A) and § 153(47)(B). The time for appeal of the Eastern District of North Carolina court’s decision has passed and AT&T has not filed a notice of appeal.

CenturyLink Matters. As noted in earlier Consolidated Status Reports, Intrado is engaged in negotiations with CenturyLink to resolve the issues between the companies. These negotiations also involve interconnection arrangements between Intrado and CenturyLink entities in North Carolina and other states. The parties have not reached an agreement as a result of these discussions, but negotiations are ongoing. There have been no arbitration decisions or other developments since the Thirty-Seventh Consolidated Status Report.

² Intrado will provide updates on other proceedings previously covered by these status reports upon the Bureau’s request.

³ *The Ohio Bell Telephone Company v. Public Utilities Commission of Ohio, et al.*, Complaint for Declaratory and Injunctive Relief, Case 09-CV-00918-ALM-MRA (S.D. Ohio filed Oct. 15, 2009).

⁴ *BellSouth Telecommunications, Inc. d/b/a AT&T North Carolina v. Finley*, Complaint for Declaratory and Injunctive Relief, Case 5:09-CV-00517-BR (E.D.N.C. filed Dec. 2, 2009).

Respectfully submitted,

**INTRADO COMMUNICATIONS OF
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CERTIFICATE OF SERVICE

I, Rebecca Ballesteros, hereby certify that on the 18th day of February 2011, I served a copy of the foregoing Thirty-Seventh Consolidated Status Report on the following parties via electronic mail:

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