

DOCKET NO. 36185

2008 OCT 17 PM 1:01

PETITION OF INTRADO, INC. FOR §  
COMPULSORY ARBITRATION WITH §  
GTE SOUTHWESTERN §  
INCORPORATED, D/B/A VERIZON §  
SOUTHWEST UNDER THE FTA §  
RELATING TO ESTABLISHMENT OF AN §  
INTERCONNECTION AGREEMENT §

PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

**ORDER NO. 2**

**MEMORIALIZING PREHEARING CONFERENCE, REQUESTING BRIEFS ON THRESHOLD LEGAL ISSUES, AND RESTYLING DOCKET**

On October 8, 2008 at 10:30 a.m. Liz Kayser and Susan Goodson, Arbitrators in this proceeding, conducted a prehearing conference (PHC).

Neither party objected to the assigned Arbitrators. The Arbitrators discussed the procedural schedule and the parties agreed to waive the statutory deadlines for conduct of this proceeding. The parties were instructed to file an agreement to waive or extend the statutory deadlines. The Arbitrators note that the parties filed an Initial Joint Decision Point List. The parties offered up a proposed procedural schedule, however, the Arbitrators instructed the parties that there are threshold legal issues that must be resolved before this matter can proceed so it is premature to establish a procedural schedule. No other procedural issues were discussed. The PHC was not transcribed.

The parties shall file initial briefs on the following threshold legal issues by October 31, 2008 and reply briefs by Nov. 7, 2008:

1. Are "emergency services" "telephone exchange service" or "exchange access" for purposes of §251(c)(2)(A) of the Federal Telecommunications Act of 1996?
2. Can Verizon be compelled to arbitrate an interconnection agreement solely for the exchange of "emergency services" traffic?

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3. Assuming Verizon can be compelled to arbitrate an interconnection agreement solely for the exchange of "emergency services" traffic; does such interconnection entitle Intrado to interconnect with Verizon in a different manner than other CLECs?
4. What authority permits this Commission to establish a competitive "emergency services" network for wireline telecommunications customers?
5. What authority permits this Commission to require equal access to competitive "emergency services" providers for wireline telecommunications customers?

The parties shall file their agreement to waive or extend the statutory procedural deadlines no later than October 24, 2008.

The Arbitrators have restyled this docket pursuant to P.U.C. PROC. R. 21.33(b)(1)(A) as indicated above.

**SIGNED AT AUSTIN, TEXAS the 17<sup>th</sup> day of October, 2008.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**LIZ KAYSER  
ARBITRATOR**

  
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**SUSAN GOODSON  
ARBITRATOR**