

**Ruth Nettles**

---

**From:** Cooper, Roberta G [EQ] [Roberta.G.Cooper@Embarq.com]  
**Sent:** Friday, December 26, 2008 3:09 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Susan Masterton  
**Subject:** 070699-EQ Response to Request for Oral Argument  
**Attachments:** 070699 EQ Response to Request for Oral Argument 12-26-08.pdf

**Filed on Behalf of:** Susan S. Masterton  
Senior Counsel  
Embarq Florida, Inc.  
1313 Blair Stone Road  
Tallahassee, FL 32301  
Telephone: 850/599-1560  
Email: susan.masterton@embarq.com

**Docket No.** 070699

**Title of filing:** Embarq Florida, Inc.'s Response In Opposition To Intrado Communications, Inc.'s Request For Oral Argument

**Filed on behalf of:** Embarq

**No of pages:** 5

**Description:** Embarq Florida, Inc.'s Response In Opposition To Intrado Communications, Inc.'s Request For Oral Argument



12/29/2008

DOCUMENT NUMBER-DATE

11896 DEC 29 8

FPSC-COMMISSION CLERK

**Roberta G. Cooper**  
Legal Specialist  
EMBARQ

Voice: 850-599-1563 | Fax: 850-878-0777  
Email: Roberta.G.Cooper@embarq.com

1313 Blair Stone Road | Tallahassee, Florida 32301  
Mailstop: FLTLHO0201

Voice | Data | Internet | Wireless | Entertainment

This e-mail is the property of EMBARQ and may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender and delete all copies of the message.

12/29/2008

DOCUMENT NUMBER-DATE

11896 DEC 29 8

EPSC-COMMISSION CLERK

Voice | Data | Internet | Wireless | Entertainment



**EMBARQ™**

Embarq  
Mailstop: FTLH00102  
1313 Blair Stone Rd  
Tallahassee, FL 32301  
embarq.com

December 26, 2008

**FILED ELECTRONICALLY**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 070699-TP

Dear Ms. Cole:

Enclosed please find Embarq Florida, Inc.'s Response in Opposition to Intrado Communications Inc.'s Request for Oral Argument in the above referenced docket matter.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at (850) 599-1560.

Sincerely,

/s/ Susan S. Masterton  
Susan S. Masterton

Enclosure

Susan S. Masterton  
SENIOR COUNSEL  
Voice: (850) 599-1560  
Fax: (850) 878-0777  
susan.masterton@embarq.com

DOCUMENT NUMBER - DATE  
11896 DEC 29 08  
FPSC - COMMISSION OF PUBLIC UTILITIES

**CERTIFICATE OF SERVICE  
DOCKET NO. 070699-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by regular U.S. Mail and electronic mail on this 26<sup>th</sup> day of December, 2008 to the following:

**Florida Public Service Commission**

Lee Eng Tan  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[ltan@psc.state.fl.us](mailto:ltan@psc.state.fl.us)

**Florida Public Service Commission**

Division of Competitive Markets & Enforcement  
Michael Barrett  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[mbarrett@psc.state.fl.us](mailto:mbarrett@psc.state.fl.us)

**Intrado Communications Inc.**

Rebecca Ballesteros  
1601 Dry Creek Drive  
Longmont, CO 80503  
[Rebecca.Ballesteros@Intrado.com](mailto:Rebecca.Ballesteros@Intrado.com)

**Messer Law Firm**

Floyd Self  
2618 Centennial Place  
Tallahassee, FL 32308  
[fself@lawfla.com](mailto:fself@lawfla.com)

**Cahill Law Firm**

Chérie R. Kiser  
Luke Nikas  
Cahill Gordon & Reindel LLP  
1990 K Street, N.W., Suite 950  
Washington, DC 20006  
[ekiser@cgrdc.com](mailto:ekiser@cgrdc.com)

/s/ Susan S. Masterton  
Susan S. Masterton

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Intrado Communications, Inc. for arbitration of certain rates, terms, and conditions for interconnection and related arrangements with Embarq Florida, Inc., pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, F.S.

DOCKET NO. 070699-TP

Filed: December 26, 2008

**EMBARQ FLORIDA, INC.'S RESPONSE IN OPPOSITION  
TO INTRADO COMMUNICATIONS, INC.'S  
REQUEST FOR ORAL ARGUMENT**

Embarq Florida, Inc. ("Embarq"), in accordance with Rule 25-22.022, F.A.C., hereby files its Response in Opposition to the Request for Oral Argument ("Request") on the Motion for Reconsideration ("Motion") filed by Intrado Communications, Inc. ("Intrado") on December 18, 2008.

Intrado requests oral argument apparently on the basis that the Commission has not yet heard oral argument on the "threshold issue" raised in the proceeding (Request at page 1) and that the written pleadings are an insufficient basis for the Commission to render its decision (Request at page 2). Embarq believes that the record developed through the hearing and the post-hearing Briefs subsequently filed by the parties provided a more than sufficient basis for the Commission's Order. The services that Intrado intends to provide in Florida were the subject of much testimony and discussion at the hearing and in the parties' post-hearing briefs. It is incredulous that Intrado now claims that the Commission failed to understand or consider the nature of Intrado's service offerings and that oral argument is necessary for the Commission to do so.

DOCUMENT NUMBER-DATE

11896 DEC 29 08

FPSC-COMMISSION CLERK

In addition, at the hearing, the parties were afforded ample opportunity to present their positions to the Commission, through opening presentations, witness summaries and through cross-examination. To the extent counsel for either party believed that additional argument was necessary to fully present its case, such argument could have been requested at the pre-hearing conference or even during the hearing itself. Intrado made no such request at these procedurally appropriate times.

In accordance with Rule 25-22.0022, F.A.C., oral argument is solely within the Commission's discretion and should be granted only when oral argument "will aid the Commissioners in understanding and evaluating the issues to be decided." The Commission fully considered the issues raised in Intrado's Motion on the basis of the comprehensive record developed in the proceeding. The Motion and Embarq's Response in Opposition to the Motion provide a sufficient basis for the Commission to rule on the Motion and oral argument will add nothing to assist the Commission in making this ruling.

Wherefore, the Commission should deny Intrado's Request for Oral Argument and should deny Intrado's Motion, for the reasons set forth in Embarq's Response.<sup>1</sup>

---

<sup>1</sup> However, should the Commission decide to grant Intrado's Request, Embarq requests that it be allowed to argue in response.

Respectfully submitted this 26<sup>th</sup> day of December 2008.

/s/ Susan S. Masterton  
Susan S. Masterton, Esq.  
P.O. Box 2214  
1313 Blair Stone Road  
Tallahassee, FL 32301  
(850) 599-1560 (Phone)  
(850) 878-0777 (Fax)  
[susan.masterton@embarq.com](mailto:susan.masterton@embarq.com)

COUNSEL FOR EMBARQ FLORIDA, INC.