



Control Number: 36185



Item Number: 5

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DOCKET NO. 36185

IN THE MATTER OF THE PETITION OF § PUBLIC UTILITY COMMISSION
INTRADO, INC. FOR ARBITRATION §
PURSUANT TO SECTION 252(b) OF THE §
COMMUNICATIONS ACT OF 1934, AS § OF TEXAS
AMENDED, TO ESTABLISH AN §
INTERCONNECTION AGREEMENT §
WITH GTE SOUTHWEST D/B/A §
VERIZON SOUTHWEST §

FILED
OCT 17 PM 4:23
FILING CLERK

**UNOPPOSED JOINT MOTION OF THE TEXAS COMMISSION ON STATE
EMERGENCY COMMUNICATIONS, THE TEXAS 9-1-1 ALLIANCE, AND THE
MUNICIPAL EMERGENCY COMMUNICATION DISTRICTS ASSOCIATION
FOR LEAVE TO FILE A STATEMENT OF POSITION**

The Texas Commission on State Emergency Communications,¹ and the Texas 9-1-1 Alliance,² and the Municipal Emergency Communication Districts Association (collectively referred to herein as the "Texas 9-1-1 Agencies") jointly submit this motion for leave to file a statement of position in the above-referenced arbitration docket pursuant to Public Utility Commission of Texas ("PUC") Interconnection Rules 21.11(b), 21.41 and 21.95(d). The Texas 9-1-1 Agencies would respectfully show:

P.U.C. Interconnection R. 21.95(d) provides that only parties to the negotiation may participate as parties in the arbitration hearing. The rule further provides that the "presiding officer may allow interested persons to file a statement of position to be considered in the proceeding." The Texas 9-1-1 Agencies should be granted leave to file a position statement with respect to the 9-1-1 emergency service issues raised in this docket. Such a position statement would benefit the Arbitrators, the Parties, the public interest, and public safety by providing the perspective of otherwise disinterested entities who are charged with providing 9-1-1 service in Texas. By this joint motion, the Texas 9-1-1 Agencies seek only to ensure that public safety

¹ The Texas Commission on State Emergency Communications is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and is the State of Texas' authority via statute for 9-1-1 emergency communications.

² The Texas 9-1-1 Alliance is an interlocal cooperation act entity composed of Texas Emergency Communication Districts with E9-1-1 service public safety responsibility for approximately 53% of the population of Texas. The foregoing Emergency Communications Districts were created pursuant to Texas Health and Safety Code Chapter 772.

interests are not compromised via either a negotiated or arbitrated interconnection agreement between the Parties.

In addition P.U.C. INTERCONNECTION R. 21.11(b) provides that except where prohibited by statute, "the presiding officer or the commission may grant exceptions to any requirements ... for good cause." Rule 21.1(b) also provides that the arbitration award procedures cannot diminish or alter the rights of any person and that a substantive rule of the Commission controls over any arbitration award. Accordingly, it would not serve the interests of the Parties, the Arbitrators, the PUC, public safety, or the public interest for the 9-1-1 emergency services issues to be raised by the Texas 9-1-1 Agencies after conclusion of the arbitration proceeding.

The PUC has several rules that address aspects of 9-1-1 emergency services. (Cf., P.U.C. SUBST. R. 26.272, 26.433, and 26.435.) The Commission, for example, has previously adopted a declaratory order dealing with competitive 9-1-1 selective router services³ and P.U.C. SUBST. R. 26.433 specifies that the 9-1-1 authority shall designate the appropriate certificated telecommunications utility (CTU) for selective routing.⁴ Therefore, to the extent that a CTU were to seek to bypass or change such substantive requirements or route 9-1-1 call traffic through their own 9-1-1 selective router based merely on an arbitration award decision, then such

³ *Petition of the Advisory Commission on State Emergency Communications for Declaratory Rulings Against GTE Southwest, Inc.*, Docket No. 17972, Consolidated Order at 3 (Feb. 6, 1998). The Declaratory Order provides, in relevant part:

In accordance with these findings of fact and conclusions of law, and consistent with the stipulation of the parties, the Commission issues the following declaratory rulings:

1. PURA, GTE's 9-1-1 tariffs, and P.U.C. SUBST. R. 23.97(e)(1)(B) do not require that a 9-1-1 entity choose GTE as the appropriate CTU to provide facilities-based E9-1-1 tandem and/or database services.
2. Pursuant to the Texas Health and Safety Code and GTE's 9-1-1 tariffs, "selective routing" is a feature provided with computerized 9-1-1 service by which 9-1-1 calls are automatically routed to the PSAP serving the place from which the call originates.
3. PURA, GTE's 9-1-1 tariffs, and P.U.C. SUBST. R. 23.97(e)(1)(B)(i)(IV) do not authorize GTE to require a 9-1-1 customer to take and to pay for unnecessary 9-1-1 trunks and for unwanted and unneeded routing service from an end office to an E9-1-1 tandem.
The Commission further orders that:
4. GTE, within 45 days of a future written request by Panhandle RPC, shall comply with the request and route its end office to the SWBT E9-1-1 tandem in Amarillo. Additional implementation time may be afforded only by the joint written agreement of ACSEC and Commission Staff.

⁴ P.U.C. SUBST. R. 26.433(b)(5) provides: "9-1-1 network services provider – The CTU designated by the 9-1-1 administrative entity to provide 9-1-1 network services." PUC Subst. R. 26.433(b)(3) provides: "9-1-1 network services – Services purchased by the 9-1-1 administrative entity(ies) that routes 9-1-1 calls from a 9-1-1 tandem or its equivalent to a public safety answering point(s)."

would be contrary to law, the public interest, public safety, and be null and void as a matter of law.

Similarly, P.U.C. SUBST. R. 26.435(c)(4) makes clear that the 9-1-1 authority(ies) shall establish the specifications for the rate center.⁵ Therefore, to the extent that an arbitration award would grant Intrado's request that Verizon deploy "line attribute routing"⁶ in a split rate center, then such would be contrary to law, the public interest, public safety, and be null and void as a matter of law. Both line attribute routing and unnecessary 9-1-1 selective routing bypass (as may be urged by Verizon) are unacceptable and inconsistent with applicable laws, orders, rules, and requirements. The above examples are just two of the potential 9-1-1 emergency service issues of significance for which a statement of position by the Texas 9-1-1 Agencies is needed and appropriate and for which there is good cause to grant leave to file such a statement.

The Texas 9-1-1 Agencies are authorized to represent that Intrado and Verizon will not oppose this motion.

WHEREFORE, the Texas 9-1-1 Agencies request that this motion be granted, that they be permitted to file a statement of position as needed and appropriate in this arbitration, and for such other further relief to which they are justly entitled in order to promote and protect the public interest.

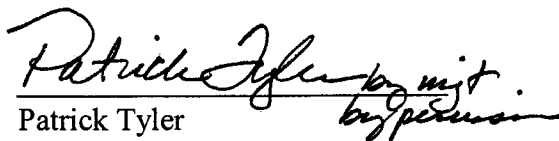
Date: October 17, 2008

⁵ P.U.C. SUBST. R. 26.435(c)(4) provides: "Service arrangement – Each particular arrangement for 9-1-1 emergency services specified by the 9-1-1 entity for the relevant rate center(s) within its jurisdiction."

⁶ *In the Matter of the Petition of Intrado Inc. for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as amended, to Establish an Interconnection Agreement with GTE Southwest Incorporated d/b/a Verizon Southwest*, Docket No. 36185, Petition for Arbitration at 21 (Sept. 24, 2008) ("Intrado Petition").

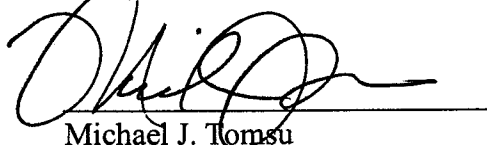
Respectfully submitted,

TEXAS COMMISSION ON STATE EMERGENCY
COMMUNICATIONS

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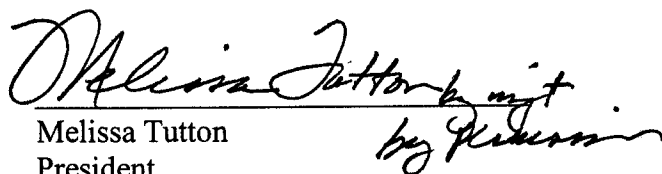
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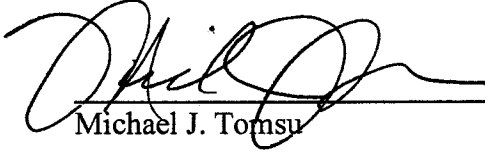
Melissa Tutton
President
MUNICIPAL EMERGENCY COMMUNICATION
DISTRICTS ASSOCIATION

On the Filing:

Richard A. Muscat
Bexar Metro 9-1-1 Network District

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all parties of record via regular mail, postage prepaid, hand-delivery, or facsimile on this 17th day of October, 2008.



Michael J. Tomsu