**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of Frontier Communications Northwest Inc.’s Petition to be Regulated as a Competitive Telecommunications Company Pursuant to RCW 80.36.320 |  | DOCKET No. UT-121994  PETITION OF CBEYOND COMMUNICATIONS LLC TO INTERVENE |

Pursuant to WAC 480-07-355, Cbeyond Communications LLC (“Cbeyond”) hereby petitions to intervene in the above-captioned docket. In support of its petition, Cbeyond states the following:

1. The name and address of the Petitioner is:

Cbeyond Communications LLC

320 Interstate North Parkway

Atlanta, GA 30339

1. The names, addresses, and telephone numbers of the persons to whom communications should be addressed are:

Arthur A. Butler Charles E. (Gene) Watkins, Esq.

Ater Wynne LLP Cbeyond Communications LLC

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1. Cbeyond is a registered and competitively classified telecommunications company authorized to provide both intraexchange and interexchange telecommunications services throughout Washington. Cbeyond currently competes with, and obtains interconnection and related services and facilities from, Frontier Communications Northwest, Inc. (“Frontier”) in the provision of Cbeyond’s telecommunications services. And, Cbeyond maintains an approved local interconnection agreement with Frontier in its capacity as an incumbent local exchange carrier, entered into pursuant to sections 251 and 252 of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56, 47 U.S.C. Sections 151 *et. seq.* (the Act” or “1996 Act”).
2. Frontier is the second largest incumbent local exchange carrier in Washington. Cbeyond relies on interconnection with, and related services and facilities, including wholesale services, obtained from, Frontier to offer and provide service to Cbeyond’s customers in Frontier’s service territory.
3. Cbeyond does not believe that Frontier’s services in Washington, including specifically its wholesale services, are subject to effective competition. Accordingly, Cbeyond seeks to participate in this proceeding to ensure that Frontier will not be granted pricing flexibility, freedom from the requirement to price its services above cost, or relieved from the obligation of charging prices that are fair, just, and reasonable, in the absence of such effective competition and thereby adversely impact Cbeyond’s ability to compete fairly with Frontier.
4. The evidence, if any, and briefing presented by Cbeyond will be of material value to the Commission in its determination of the issues involved in this proceeding, and Cbeyond’s intervention will not broaden those issues or delay the proceedings.

WHEREFORE, Cbeyond requests leave to intervene as a party to this proceeding, with a right to discovery, to have notice of and appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on brief and at oral argument.

RESPECTFULLY SUBMITTED this \_\_\_\_\_th day of February, 2013.

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|  | Ater Wynne LLP  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Arthur A. Butler, WSBA #04678 601 Union Street, Suite 1501 Seattle, WA 98101-3981 Tel: (206) 623-4711 Fax: (206) 467-8406  Email: aab@aterwynne.com  Charles E. (Gene) Watkins, Esq., GA #740340  Cbeyond Communications LLC  3320 Interstate North Parkway, Suite 300  Atlanta, GA 30339  Voice: (678) 370-2174  Fax: (678) 424-2500  E-mail: gene.watkins@cbeyond.net  Attorneys for Cbeyond Communications LLC |

CERTIFICATE OF SERVICE

I hereby certify that I have this 7th day of February, 2013, served the true and correct original, along with the correct number of copies, of the foregoing document upon the WUTC, via the method(s) noted below, properly addressed as follows:

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| David S. Danner  Secretary and Executive Director  Washington Utilities and Transportation Commission  1300 S Evergreen Park Drive SW  PO Box 47250  Olympia, WA 98504-7250 |  | Hand Delivered | |
| x | U.S. Mail (first-class, postage prepaid) | |
|  | Overnight Mail (UPS) | |
|  | Facsimile (360) 586-8203 | |
| x | Email (records@wutc.wa.gov) | |
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I hereby certify that I have this 7th day of February, 2013, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

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| **On behalf of Frontier: (via US Mail and Email)**  Kevin Saville  Frontier Communications Corporation  2378 Wilshire Boulevard  Mound MN 55364  E-mail: kevin.saville@ftr.com  Timothy O'Connell  Stoel Rives LLP  Suite 3600  600 University Street  Seattle WA 98101-3197  E-mail: tjoconnell@stoel.com |
| **On Behalf of Staff: (via US Mail and Email)**  Jennifer Cameron-Rulkowski  Attorney General of Washington  1400 S Evergreen Park Drive SW  PO Box 40128  Olympia WA 98504-7250  Business E-mail: jcameron@utc.wa.gov |

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 7th day of February, 2013, at Seattle, Washington.

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| /s/ |