

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

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

Arthur A. Butler
Ater Wynne LLP
601 Union Street, Suite 1501
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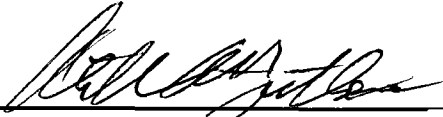
Charles E. (Gene) Watkins, Esq.
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3. Cbeyond is a registered and competitively classified telecommunications company authorized to provide both intraexchange and interexchange telecommunications services throughout Washington. Cbeyond currently competes 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”).
4. 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.
5. 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.
6. 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 6 th day of February, 2013.

ATER WYNNE LLP



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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:

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
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (360) 586-8203
 Email (records@wutc.wa.gov)

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:

On behalf of Frontier: (via US Mail and Email)

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Mound MN 55364
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On Behalf of Staff: (via US Mail and Email)

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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.

