



DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
9275 GUNSTON ROAD
FORT BELVOIR, VIRGINIA 22060-5546

February 7, 2013

REPLY TO
ATTENTION OF
Regulatory Law Office

VIA FEDERAL EXPRESS

Commission Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

2013 FEB -8 AM 10:16
STATION 1
UTL AND T
RECEIVED
REGULATORY MANAGEMENT

Subject: DoD/FEA's Petition to Intervene

Re: *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 UT-121994*

To The Honorable Commission Executive Director and Secretary:

Enclosed for filing in the above-captioned proceeding are the hard copy original and twelve (12) copies of a Petition to Intervene of the United States Department of Defense and All Other Federal Executive Agencies (collectively referred to herein as "DoD/FEA"). A Certificate of Service is appended to this filing.

Copies of this document are being sent in accord with the Certificate of Service. Inquiries to this office regarding this proceeding should be directed to the undersigned at (703) 693 - 1274.

Thank you for your cooperation and assistance in this matter.

Regards,

Kyle J. Smith
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U. S. Army Legal Services Agency
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Enclosure: Original and twelve (12) copies
Cc: See Certificate of Service

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET NO. UT-121994
)	
FRONTIER COMMUNICATIONS)	
NORTHWEST INC.)	
	)	THE UNITED STATES
To be Regulated as a Competitive	)	DEPARTMENT OF DEFENSE AND
Telecommunications Company Pursuant	)	ALL OTHER FEDERAL EXECUTIVE
to RCW 80.36.320	)	AGENCIES' PETITION TO
	)	INTERVENE

PETITION TO INTERVENE

The Secretary of Defense, through duly authorized counsel, on behalf of the consumer interests of the United States Department of Defense and all other Federal Executive Agencies (collectively referred to herein as “DoD/FEA”), hereby petitions the Washington Utilities and Transportation Commission (“the Commission”) for leave to intervene in the above-captioned proceeding. This Petition is filed pursuant to WAC 480-07-355(a) and paragraph 6 of the Commission’s Executive Director and Secretary’s January 31, 2013 Notice of Prehearing Conference. In support of this Petition, DoD/FEA states as follows:

1. DoD/FEA will be represented by, and all documents should be served upon and all communications referred to, its attorneys:

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STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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2. The interest of DoD/FEA in this proceeding is that of a customer of telecommunications services provided by Frontier Communications Northwest, Inc. (“Frontier”). The Federal government maintains numerous offices, both military and civilian, throughout Washington in areas that are served by Frontier. These offices and installations vary in size, and the business telecommunications purchased range from large complex systems to small office services.¹ Accordingly, it is important to DoD/FEA that Frontier’s services are provided in an efficient manner, at reasonable cost, with the highest service quality and performance, and that Frontier will be willing and

¹ Federal employment in Washington (civilian and active duty military) is approximately 100,000 persons. The Frontier exchanges include, among others, those on the Canadian border where the Federal government has customs and immigration offices. Additionally, DoD has several major military installations and facilities around the Puget Sound area which are located in Frontier exchanges. These installations and facilities include Naval Air Station Whidbey Island, an active military installation that includes a hospital, active Navy electronic warfare and patrol squadrons, support facilities for various Navy activities and a center for Navy and Marine Corps reserve training in the Pacific Northwest.

able to offer state-of-the-art retail business services of the nature that DoD/FEA operations require.

3. In this proceeding, Frontier seeks to classify the Company and its telecommunications services as competitive throughout its Washington service territory. As such, the Commission will examine whether there is “effective competition” for Frontier’s telecommunications services pursuant to RCW 80.36.321(1), and will consider, among other things: the number and size of alternative providers of service; the extent to which services are available from alternative providers in the relevant market; the ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and other indicators of market power.

4. DoD/FEA has a unique governmental end-user perspective² due to the nature and extent of the business telecommunications services it purchases from both Frontier and other providers in Washington. To obtain the best available services at the lowest possible cost, DoD/FEA procures telecommunications services through competitive bidding procedures whenever possible. This provides DoD/FEA with first-hand knowledge about the presence (or lack thereof) of alternative providers and services. DoD/FEA’s participation in this proceeding, therefore, will provide a more complete record and will assist the Commission in determining whether and to what extent there are alternative providers and functionally equivalents or substitutes for Frontier’s telecommunications services in Washington – and ultimately whether Frontier’s Petition should be granted.

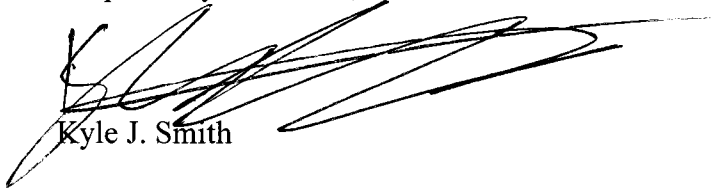
² In the recent past, DoD/FEA has been granted intervener status by the Commission in numerous cases such as UT-021120, UT-030614, UT-033025, UT-033044, UT-040788, UT-061625, UT-061777, and UT-090842 in which DoD/FEA actively participated.

5. The Commission's decision in this proceeding could directly and significantly impact the consumer interests of DoD/FEA and the vitality of the competitive telecommunications marketplace in Washington.³ For example, the outcome of this proceeding could result in more flexibility for Frontier to increase rates for business services purchased by DoD/FEA, and could result in the elimination of tariffed rates, terms and conditions for business service purchased by DoD/FEA. Thus, DoD/FEA has an interest in ensuring that market forces are sufficient (*i.e.*, competition is "effective") to maintain just and reasonable rates, terms and conditions as well as quality service for business services before Frontier's Petition can be granted. Premature deregulation of Frontier's telecommunications services could be significantly adverse to DOD/FEA's consumer interests. On the other hand, DoD/FEA has an interest in ensuring that a provider of telecommunications services DoD/FEA purchases like Frontier is not subjected to the burden and cost of unnecessary regulation because that, too, can impact the prices, terms and conditions of the business services offered to DoD/FEA.

6. DoD/FEA's intervention and participation herein will not unreasonably broaden the issues, burden the record, unduly affect the rights of participating parties or unreasonably delay the proceeding. Accordingly, DoD/FEA petitions the Commission for leave to intervene in the captioned proceeding as a party with full rights to participate in the proceeding, including the right to discovery, examine witnesses, to file testimony and briefs and to be heard at oral argument.

³ To the extent that Frontier's Petition involves wholesale services as well as retail services, DoD/FEA's interests could be significantly affected. Competition in the retail telecommunications market relies in part on access to and reasonable prices for wholesale services provided by incumbent local exchange carriers like Frontier to competitors.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kyle J. Smith', written over a horizontal line.

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For
The United States Department of Defense
And
All Other Federal Executive Agencies

Dated: February 7, 2013

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Frontier	)	DOCKET NO. UT-121994
Communications Northwest Inc.'s)	
Petition to be Regulated as a Competitive	)	THE UNITED STATES
Telecommunications Company Pursuant	)	DEPARTMENT OF DEFENSE AND
to RCW 80.36.320	)	ALL OTHER FEDERAL EXECUTIVE
	)	AGENCIES'
)	
_____	)	CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I certify that I have caused a copy of the foregoing document, together with this Certificate of Service, in Docket No. UT-121994 to be sent this day by electronic service (email) and postage prepaid, properly addressed, first class U.S. Mail (or private courier) to the counsel and parties named below, as indicated:

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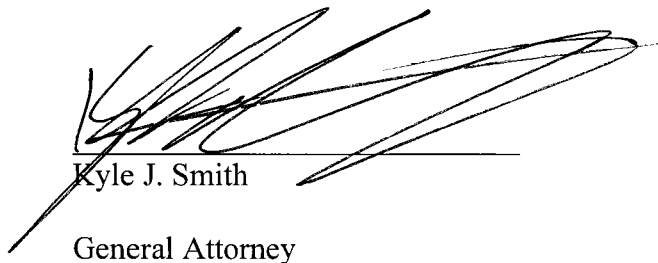
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Dated this 7th day of February 2013,
at Fort Belvoir, Virginia.



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