

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

In the Matter of the Petition of	)	DOCKET UT-073033
	)	<i>(Bifurcated)</i>
QWEST CORPORATION,	)	
	)	ORDER 11
For Commission Approval of 2007	)	
Additions to Non-Impaired Wire Center	)	ORDER DENYING LATE-FILED
List	)	PETITION TO INTERVENE
	)	
.....	)	

1 **NATURE OF PROCEEDING.** Docket UT-073033 involves Qwest Corporation’s (Qwest) request before the Washington Utilities and Transportation Commission (Commission) for approval of additions to its non-impaired wire center list.

2 **PROCEDURAL HISTORY.** By Order 06 entered on March 21, 2008, the Commission, among other things, afforded interested persons an additional opportunity to file a petition to intervene in this proceeding.<sup>1</sup> On July 30, 2008, the Commission issued an Initial Order Granting Petition for Commission Approval of 2007 Additions to Non-Impaired Wire Center List. On August 22, 2008, 360networks (USA) inc., (360networks) filed a late-filed petition to intervene.

3 **PETITION TO INTERVENE.** 360networks asserts that it is a competitive local exchange carrier (CLEC) and wholesale local exchange customer of Qwest in Washington and may be directly and substantially affected by this proceeding. 360networks asserts that granting the petition will not unduly broaden the issues or otherwise delay this proceeding. The petitioner contends that it failed to timely intervene because this matter just came to petitioner’s attention.

4 **COMMISSION DECISION.** The petition to intervene filed by 360networks should be denied. We consider petitions to intervene according to the standard set forth in WAC 480-07-355. That rule provides that the Commission may grant a petition to intervene if the petitioner discloses a substantial interest in the subject matter of the proceeding or if the petitioner’s participation is in the public interest. The

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<sup>1</sup> A complete procedural history is set forth in Order 06 and will not be repeated herein.

Commission may grant a late-filed petition to intervene if a petitioner states good cause including a satisfactory explanation of why the petition is untimely.

5 The Commission's regulations permit other parties to a proceeding to file responses to petitions to intervene. *WAC 480-07-355(2)*. In this instance, we do not await responses from the other parties because those responses will not aid in resolution of the petition.

6 On July 30, 2008, the Commission entered Order 08, Initial Order Granting the Petition for Commission Approval of 2007 Additions to Non-Impaired Wire Center List. An initial order becomes a final order unless, within the time for filing petitions for review, a party petitions for review, receives an extension of time to petition for review, or the Commission serves a notice of its intention to review the initial order. *WAC 480-07-825(7)*. The deadline for filing a petition for review is within 20 days after the initial order is served. *WAC 480-07-825(2)*. The initial order in this proceeding was served on July 30, 2008, so the deadline for filing a petition for review expired on August 19, 2008. No party petitioned for review before the deadline and the Commission did not initiate review on its own motion. Accordingly, while a Notice of Finality has not yet been entered, the initial order became final on August 19, 2008.

7 The opportunity to intervene has passed. Accordingly, as stated at the outset, the petition to intervene by 360networks should be, and hereby is, denied.

8 Dated at Olympia, Washington, and effective August 22, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.**