

Commissioner's Richard Hemstad and Patrick Oshie, and Administrative Law Judge Theodora Mace.

7 At the hearing on April 12, 2002, the Commission inquired into the justification for the request for emergency relief.

8 **Appearances.** Gregory J. Kopta, attorney, Seattle, represents AT&T Broadband. Lisa Anderl, attorney, Seattle, represents Qwest. Gregory Trautman, assistant attorney general, Olympia, represents Commission Staff. Robert Cromwell, assistant attorney general, Seattle, represents Public Counsel.

9 **Petition to Intervene.** Michel Singer-Nelson entered an appearance and asked leave to intervene on behalf of MCI-WorldCom. The Commission did not grant the petitioner intervenor status with regard the request for emergency relief . The petition to intervene will be addressed in the administrative law judge's prehearing conference order.

10 **Discussion.** The issue presented to the Commission was whether or not the matters alleged in the complaint constitute an immediate danger to the public health, safety or welfare pursuant to RCW 34.05.479 and WAC 480-09-510.

11 During the hearing, AT&T stated to the Commissioners, in accord with a statement in support of relief, that the service problems it complains of do not rise to the level of an immediate danger as contemplated by provisions in the APA and in Commission rules related to emergency adjudications.

12 AT&T asked that it be allowed to withdraw its request for emergency relief under the statute. The Commission granted the request orally without prejudice to the petitioner's seeking other relief orally.

13 Judge Mace will preside at the hearing on the complaint and address procedural matters on a schedule to be determined.

ORDER

14 The Commission dismisses AT&T's request for emergency relief at AT&T's request.

Dated at Olympia, Washington and effective this ____ day of April, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner