

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

Washington Exchange)
Carrier Association *et al.*)
)
Complainant)
)
v.)
)
LocalDial Corporation, an)
Oregon Corporation)
_____)

Docket No. UT-031472

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

**PETITION FOR LEAVE TO INTERVENE OF
JAVELIN, INC.**

Javelin, Inc. (“Javelin”), pursuant to the Washington Utilities and Transportation Commission’s (“Commission”) September 29, 2003 *Notice of Prehearing Conference* (“Notice”) in the above-captioned proceeding and the Commission’s rules of Procedure, Washington Administrative Code §480-09-430, hereby respectfully petitions the Commission for leave to intervene. In support of its Petition, Javelin states as follows:

1. Javelin is an emerging enhanced services provider, offering data and networking solutions to small and medium-sized business subscribers. Javelin may provide Voice over Internet Protocol (“VoIP”) voice information services to subscribers throughout the State of Washington, as part of its comprehensive service offerings.

2. The Commission’s Notice identifies three primary issues which are to be the focus of this proceeding: “1) whether LocalDial [Corporation] is conducting business subject to the Commission’s regulatory authority; 2) whether plaintiffs’ tariffs apply to the VoIP intrastate telephone calls made by LocalDial’s customers using plaintiffs’ facilities; and, 3) whether and to what extent carriers using VoIP technology should be regulated, if the

Commission has the statutory and regulatory authority to do so.”¹ Issues 1 and 2, while applicable specifically to LocalDial Corporation, have broad implications for all VoIP providers. Issue 3 explicitly raises the specter of VoIP regulation for any provider of VoIP services.

3. Javelin has a substantial interest in this proceeding and may be materially affected by Commission decisions resulting from this proceeding. Regulation of VoIP services and the potential assumption of additional access charges by VoIP providers, as contemplated by this proceeding, will impose significant, unanticipated, and virtually unrecoverable costs on companies such as Javelin. Smaller companies such as Javelin may be disproportionately impacted as any material increases in underlying costs will severely impede their ability to provision VoIP services, if not preclude such companies from making VoIP services available altogether. Decisions resulting from the instant proceeding may have far reaching consequences in other states by setting national precedence, as Washington is one of the first states to initiate this type of proceeding. Such decisions could ultimately have an adverse impact on Javelin’s subscribers by precluding them from gaining meaningful access to competitive services, and on the Company’s ability to remain in business in Washington and enter other markets.

4. Javelin wishes to intervene for the specific purpose of monitoring this proceeding and submitting comments or post-hearing brief. Javelin does not intend to sponsor witnesses nor engage in cross-examination of witnesses or be represented at hearings. The proposed intervention by Javelin will not unduly broaden the issues involved in this proceeding or prejudice other parties.

5. The name and address of the individuals to receive documents and communications regarding this proceeding are:

¹ Notice, para. 2 at 1.

John Schnelz
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And

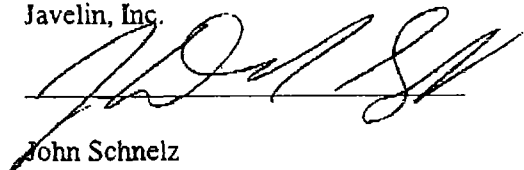
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WHEREFORE, Javelin, Inc. respectfully requests that the Commission grant its
Petition for Leave to Intervene in this proceeding.

Respectfully submitted,

Javelin, Inc.

BY:



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October 15, 2003