

should have been aware of the Washington proceeding. In fact, Sprint Nextel never received notice from the Commission of the Prehearing Conference. The Service List for this conference omits Sprint Nextel. (Jacobson Decl. ¶ 3 Attachment). Sprint Nextel, which operates in 50 states, truthfully stated in its Late-Filed Petition to Intervene, that it did not become aware of the fact that the Joint Applicants had filed their petition for approval of indirect transfer of control in Washington, and the Prehearing Conference, until after June 1, 2010. Sprint Nextel should be allowed to present evidence that it did not receive notice from the Commission, either in written, mailed form or by electronic notification. Any generalized awareness of the April 22, 2010 merger announcement of the Joint Applicants should not be deemed constructive notice of a June 1, 2010 Prehearing Conference, as the Joint Applicants contend. This would be unfair and unjust when the Commission never provided Sprint Nextel with the Notice of Prehearing Conference it provided to other intervenors.

2 In addition, the time frame between the Commission's publication of the Notice of Prehearing Conference, May 18, 2010 and the Prehearing Conference date of June 1, 2010 was unusually short, given proceedings of this nature. This notice provided for seven business days notice, in contrast to the sixteen days business notice, provided in the Verizon/Frontier Communications Merger Docket No. UT-090842 in 2009. This short time period inhibited Sprint Nextel's ability to ascertain independently any date for the Prehearing Conference.

3 Furthermore, Sprint Nextel's counsel was experiencing medical difficulties during the seven business day notice period in this docket, resulting in surgery the week of June 14, 2010. This made it difficult for her to track the Qwest CenturyLink proceedings in each of her ten states. Given the private nature of this fact, Sprint Nextel was reluctant to disclose it,

unless necessary in its Late-Filed Petition to Intervene. It has been Sprint Nextel's experience that this Commission has been accommodating in the past to late-filed Petitions to Intervene when there is no prejudice to the schedule. *See, e.g.* Order Granting Late Filed Petition to Intervene in *WUTC v. Puget Sound Energy, Inc.*, UT-09074, UT-090705 (July 30, 2009), 2009 WL 2355823 (Wash.U.T.C.); Orders, 2, 3 *In the Matter of the Petition of Qwest Corporation to be Regulated Under an Alternative Form of Regulation Pursuant to RCW 80.36.135* (Docket UT-061625).

4 The Joint Applicants also make various factual assertions that require rebuttal, such as their claim that Sprint Nextel is not registered in Washington. Sprint Communications Company is the registered CLEC in Washington for Sprint Nextel Corporation¹ on the website. To the extent Sprint Nextel inadvertently named the parent corporation of this CLEC, it will seek permission to amend its Late-Filed Petition to Intervene to include Sprint Communications Company.

5 Sprint Nextel also should be entitled to respond to the Joint Applicant's accusation that Sprint Nextel intends to broaden the issues in this proceeding. Sprint Nextel's interests are identical to those of nine of the ten allowed intervenors and it expressly stated that it would not broaden the issues in its Late-Filed Petition to Intervene. Accordingly, the contentions of Joint Applicants are incorrect.

6 The Commission's rules recognize the importance of providing a full opportunity for proposed intervenors to be heard. WAC 480-07-335(4) provides that an intervenor can be

¹ The Joint Applicants did not object to the DBAs of other intervenors in this case such as PAETEC's Petition to Intervene. PAETEC does not appear anywhere on the Commission's website but is a dba of McCloud USA Telecommunications Services, Inc.

dismissed only “after notice and a reasonable opportunity to be heard.” Further, WAC 480-07-355(5) and WAC 480-07-810 provide that someone who is denied the opportunity to intervene may seek interlocutory review by the Commission.

7 Permitting Sprint Nextel to be heard further in a reply would be fully consistent with the policy embodied in the Commission’s rules that a proposed intervenor should be given a reasonable opportunity to be heard. Permitting Sprint Nextel to reply would also enable the administrative law judge to rule based on a full presentation of the issues, rather than the incomplete, erroneous and misleading arguments of the Joint Applicants.

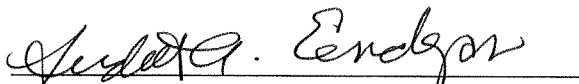
8 Sprint Nextel’s proposed Reply is attached hereto as Attachment A.

II. CONCLUSION

9 For the foregoing reasons, the Commission should permit Sprint Nextel to reply to the Opposition of the Joint Applicants to its Late-Filed Petition to Intervene.

RESPECTFULLY SUBMITTED this 22nd day of June, 2010.

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