

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Joint Application of

QWEST COMMUNICATIONS
INTERNATIONAL INC. AND
CENTURYTEL, INC.

For Approval of Indirect Transfer of Control
of Qwest Corporation, Qwest
Communications Company LLC, and Qwest
LD Corp.

DOCKET UT-100820

STAFF RESPONSE REGARDING
LATE-FILED PETITIONS TO
INTERVENE

1 Pursuant to the Commission's Notice of Opportunity to Respond to Late-Filed Petitions to Intervene dated June 16, 2010, Staff of the Washington Utilities and Transportation Commission (Staff) files this Response in support of granting the late-filed petition to intervene filed by Sprint Nextel Corporation (Sprint).

2 The Commission reviews merger transactions for consistency with the public interest. WAC 480-143-170. This is a broad standard, and its contours may vary from one transaction to another, depending on the form of the transaction and the attending circumstances.¹ As the Commission stated in its order on the last merger proceeding before this Commission, its examination of the public interest has included a list of factors.² One

¹ *In Re Application of U S WEST, Inc. and Qwest Communications International, Inc., For an Order Disclaiming Jurisdiction, or in the Alternative, Approving the U S WEST, Inc.—Qwest Communications International, Inc. Merger*, Docket UT-991358, Ninth Supp. Order Approving and Adopting Settlement Agreements and Granting Application (June 19, 2000) at p. 9.

² *See In the Matter of the Joint Application of Verizon Communications, Inc., and Frontier Communication Corporation For an Order Declining to Assert Jurisdiction Over, or, in the Alternative, Approving the Indirect Transfer of Control of Verizon Northwest, Inc.*, Docket UT-090842, Order 06, Final Order Approving and

of those factors is “[t]he impact on competition at the wholesale and retail level, including whether the transaction might distort or impair the development of competition.”³ The transaction proposed by the Joint Applicants, Qwest Communications International Inc. (Qwest) and CenturyTel, Inc. (CenturyLink) (collectively, Joint Applicants) will potentially affect each telecommunications service market in Washington and concentrate substantial resources in one entity. Accordingly, wholesale arrangements and charges, including access charges, are properly within the contours of the public interest inquiry.

3 According to its petition, Sprint is a registered competitive local exchange carrier, authorized to provide intraexchange and interexchange telecommunications services in Washington.⁴ Sprint stated in its petition that it is assessed access charges by both Qwest and CenturyLink, and that Sprint “is concerned that the combined companies will not provide access services at appropriate rates, terms and conditions given the size and scope of the merged company.”⁵ The Joint Applicants oppose Sprint’s petition for intervention.⁶ One of the grounds of their opposition is that Sprint may raise the issue of access charges and so broaden the scope of the proceeding.⁷

4 Access charges are an issue that Staff already has identified as relevant to the proceeding. Indeed, Staff already has issued discovery and received responses regarding this issue. Should Sprint address the access charge issue in this proceeding, it would not broaden the issues because this issue already is being investigated. Furthermore, were Sprint to take up the access charge issue, particularly from the perspective of a provider of

Adopting, Subject to Conditions, Multiparty Settlement Agreements and Authorizing Transaction (April 16, 2010) at p. 53.

³ *Id.* at 53.

⁴ Late-Filed Petition to Intervene of Sprint Nextel Corporation at p. 2, ¶ 3. Sprint Nextel clarifies in its reply filed June 22, 2010, that the name of its registered CLEC is Sprint Communications Company.

⁵ *Id.* at p. 2, ¶¶ 4-5.

⁶ Qwest’s and CenturyLink’s Joint Opposition to the Late-Filed Petitions to Intervene of Cbeyond and Sprint.

⁷ Joint Opposition at p. 4, ¶ 15.

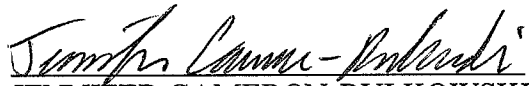
instate long-distance service, its participation in the proceeding could be of considerable assistance to the Commission in its evaluation of the proposed transaction.

5 Because Sprint's intervention could assist the Commission in this proceeding, without broadening the issues, it is in the public interest to grant Sprint's late-filed petition to intervene.

DATED this 23rd day of June 2010.

Respectfully submitted,

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