

[Service Date October 17, 2011]

October 17, 2011

NOTICE OF BENCH REQUEST
(Response Due by Friday, October 21, 2011, at 3:00 p.m.)

RE: *Advanced Telecom, Inc. d/b/a Integra; Electric Lightwave, LLC d/b/a Integra; Eschelon Telecom of Washington, Inc d/b/a Integra Telecom; Oregon Telecom Inc. d/b/a Washington Telecom d/b/a Integra; Unicom f/k/a United Communications, Inc. d/b/a Integra; McLeodUSA Telecommunications Services L.L.C. d/b/a PAETEC Business Services; and tw telecom of washington llc, Complainants, v. Qwest Corporation and CenturyLink, Inc., Respondents, Docket UT-111254*

The Washington Utilities and Transportation Commission (Commission) seeks information in the form of the following bench request from Cbeyond Communications LLC (Cbeyond).

BENCH REQUEST NO. 1:

On August 19, 2011, Cbeyond filed a Petition to Intervene (Cbeyond's Petition) with the Commission requesting intervention status. On August 26, 2011, the Commission entered Order 01 which, among other things, granted Cbeyond's Petition.

Cbeyond filed its Motion for Leave to Withdraw from the proceeding on October 14, 2011. Cbeyond indicates that it has reviewed the prefiled testimony of the Joint CLECs and asserts that its issues are adequately and fully addressed by that testimony. Cbeyond also contends that its withdrawal will simplify the proceeding and that no other party will be prejudiced by its withdrawal.

Over the years, parties to several of the Commission's proceedings have attempted to withdraw from cases after entering into a side-agreement with the applicant or petitioner. The parties then fail to alert the Commission to the side-agreement, as required under WAC 480-07-730, at the time a request to withdraw is made. As a result, the Commission has frequently directed parties requesting leave to withdraw to explain whether said withdrawal is a result of a side-agreement.

Cbeyond did not address this issue. Thus, Cbeyond should provide the following information:

- a) Is Cbeyond withdrawing from Docket UT-111254 based on a side-agreement it has reached with Qwest/CenturyLink?
- b) If so, please provide this side-agreement to the Commission.

Please respond to this Bench Request no later than Friday, **October 21, 2011, at 3:00 p.m.**, with an original and seven (7) copies. If you have any questions concerning these requests, please contact Administrative Law Judge Marguerite E. Friedlander at 360-664-1285, or via e-mail at mfriedla@utc.wa.gov.

Sincerely,

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

cc: All Parties