

UT-111254  
October 17, 2011  
Bench Request No. 1  
Response of 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

**Response to Bench Request 1:**

- a) No. There is no side-agreement
- b) n/a

PREPARER: Arthur A. Butler