**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	
	)	DOCKET UT-073034
QWEST CORPORATION,	)	
	)	INTEGRA PETITION TO
Petitioner,	)	INTERVENE
For Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions.	))))	
. . . .	)	

Pursuant to WAC 480-07-355 and Order 01 in the above-captioned proceeding, Integra Telecom of Washington, Inc. ("Integra") hereby petitions the Commission for leave to intervene in the above-entitled docket. As grounds for intervention, Integra states as follows:

I.

1. The names, addresses, and telephone numbers of the persons to whom communications should be addressed are:

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II.

2. Integra is a registered and competitively classified telecommunications company authorized to provide both intraexchange and interexchange telecommunications services throughout Washington. Integra currently competes with, and obtains services and facilities from, Qwest Corporation ("Qwest"), including interconnection, collocation, and unbundled network elements that Integra uses in the provision of intraexchange and interexchange services.

III.

3. Integra has a substantial interest in the subject matter of this proceeding. Qwest has requested that the Commission approve changes to the Qwest Performance Assurance Plan ("QPAP") that are identified in a stipulation between Qwest and some competitive local exchange carriers ("CLECs"), not including Integra. The QPAP is included in Integra's interconnection agreement ("ICA") with Qwest, and Integra has both procedural and substantive concerns with Qwest's petition.

4. Procedurally, Integra disagrees that Commission consideration of the petition must be completed within 60 days. Section 252(f), the provision of the Telecommunications Act of 1996 on which Qwest relies, applies to Commission review of a statement of generally available terms ("SGAT"), but Qwest no longer maintains an SGAT in Washington. Rather, a carrier seeking an ICA with Qwest must either adopt another carrier's agreement or negotiate its own ICA based on Qwest's multi-state template. CLECs can no longer adopt the SGAT that the Commission approved in Docket Nos. UT-003022 and UT-003040. The QPAP in isolation is not an SGAT. Section 252(f) thus is inapplicable.

5. Even if the QPAP, standing alone, could somehow be considered an SGAT, changes to an SGAT do not affect carriers with Commission-approved ICAs that remain in effect. Indeed, the Ninth Circuit has made it abundantly clear that the Commission cannot make a generic ruling that alters existing contractual arrangements.[1] Qwest, however, requests that the Commission approve changes to the QPAP as it is currently incorporated into existing ICAs. The Commission lacks authority to impose such unilateral changes on Integra or any other CLECs. At a minimum, the 60 day review period in section 252(f) does not apply, and should not be applied, to that aspect of Qwest's petition.

6. Integra also has substantive concerns with Qwest's proposed changes. Integra has not yet reviewed the stipulation in depth but understands from discussions with Commission staff that Qwest is proposing a substantial reduction in the payments Qwest makes to both CLECs and the state under the QPAP. Qwest's petition does not even attempt to demonstrate that such a reduction is warranted and that the resulting payments will provide Qwest with sufficient incentive to ensure adequate service quality to CLECs. Qwest should be required to make such a showing, subject to interested party review and comment.

IV.

7. The evidence, if any, and briefing presented by Integra will be of material value to the Commission in its determination of the issues involved in this proceeding, and Integra's intervention will not broaden those issues or delay the proceedings.

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[1] *Pacific Bell v. Pac-West Telecomm, Inc.*, 325 F.3d 1114, 1127 (9th Cir. 2003).

8. WHEREFORE, Integra prays for leave to intervene as a party to this proceeding, with a right to discovery, to have notice of and appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on brief and at oral argument.

DATED this 14th day of August, 2007.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Integra Telecom of
Washington, Inc.

By ___________________________
Gregory J. Kopta
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