

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of

U S WEST, Inc. And QWEST
COMMUNICATIONS INTERNATIONAL,
INC.

Docket No. UT-991358

For an Order Disclaiming Jurisdiction or, in the
Alternative, Approving the U S WEST, INC. -
QUEST COMMUNICATIONS
INTERNATIONAL INC. Merger

RESPONSE OF JOINT APPLICANTS
TO PETITION TO INTERVENE OF
GST TELECOM WASHINGTON,
INC.

On October 5, 1999, nearly two weeks after the prehearing conference -- the due date for filing Petitions to Intervene + GST Telecom Washington, Inc. ("GST") filed a Petition to Intervene in this proceeding. Qwest Communications Corporation ("Qwest") and U S WEST Communications, Inc. ("U S WEST") (jointly, the "Applicants") oppose the intervention, for the following reasons:

1. The Petition is untimely. Under the Commission's rules, Petitions to Intervene were required to be filed no later than September 23, 1999, the date of the Prehearing Conference in this proceeding. WAC 480-09-430(a). In the Commission's Notice of Prehearing Conference issued on September 10, 1999, the Commission reiterated the requirements of its rule regarding the deadline

for filing petitions to intervene:

Petitions to intervene must be made in writing prior to the prehearing conference.

Notice, page 2 (emphasis in original). GST failed to comply with this clear and unequivocal requirement.

2. The Petition fails to state any explanation for the failure to intervene in a timely manner. Under the Commission's rules, late petitions will be granted only for good cause shown. WAC 480-09-430(b). GST has failed to demonstrate any good cause for granting its Petition for Late Intervention. One potential reason which cannot be claimed is that counsel for GST was unaware of the proceeding. The same counsel who represents GST filed petitions to intervene -- in a timely manner -- on behalf of three other parties, NorthPoint Communications, Inc., Advanced TelCom Group, Inc., and NEXTLINK Washington, Inc. Each of these parties was allowed to intervene by the Commission at the Prehearing Conference. Notwithstanding that the statements in these three parties' and GST's pleadings are precisely the same (except for the name of the party, of course) in Section I, Identity of Petitioner, and Section II, Interest of Petitioner, GST inexplicably was unable to submit its Petition in a timely fashion.

3. That the interests of GST are precisely the same as other parties to the proceeding supports the denial of GST's untimely intervention. GST cannot demonstrate any interests that are not already represented in the proceeding. In this circumstance, and in the absence of any showing of good cause explaining the untimeliness, no basis has been shown for granting the intervention.

DATED: October __, 1999.

Respectfully submitted,

Qwest

U S WEST Communications, Inc.

By:

Peter A. Rohrbach
Mace J. Rosenstein
Gina Spade
Hogan & Hartson LLP
555 Thirteenth Street NW
Washington, D.C. 20004
Phone: (202) 637-5600
Fax: (202) 637-5910

Counsel for Qwest

By:

Lisa A. Anderl
Senior Attorney
U S WEST, Inc.
1600 7th Ave., Room 3206
Seattle, WA 98191
Phone: (206) 345-1574
Fax: (206) 343-4040

Perkins Coie LLP

By:

James M. Van Nostrand
411 - 108th Ave NE, Suite 1800
Bellevue, WA 98004
Phone: (425) 453-7323
Fax: (425) 453-7350

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