

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Development of)	
Universal Terms and Conditions for)	DOCKET NO. UT-011219
Interconnection and Network)	
Elements to be Provided by)	
)	FIFTH SUPPLEMENTAL ORDER
)	
VERIZON NORTHWEST, INC.)	ORDER GRANTING PETITION TO
)	INTERVENE

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- 1 **Order.** This Order grants the Petition to Intervene filed by Eschelon Telecom of Washington, Inc.

- 2 **Proceeding.** This matter involves a request that the Commission direct Verizon to provide persons requesting interconnection agreements with Verizon some generally available terms, and that the Commission review the terms for compliance with pertinent law.

- 3 **History.** The Commission convened a prehearing conference in this docket at Olympia, Washington on August 6, 2002, before Administrative Law Judge Theodora Mace. Prior to the prehearing conference, Eschelon Telecom of Washington, Inc. filed a petition to intervene. At the time of the prehearing conference, Eschelon failed to enter an appearance and the petition was denied. On September 23, 2002, Eschelon refiled its petition to intervene.

- 4 **Appearances.** W. Jeffery Edwards and Meredith B. Miles, attorneys, Richmond, Virginia, represent Verizon Northwest, Inc. (Verizon). Gregory J. Kopta, attorney, Seattle, represents AT&T Communications of the Pacific Northwest, Inc. (AT&T). TCG Seattle and TCG Oregon (collectively, AT&T), Fox Communications Corp. (Fox), Time Warner Telecom of Washington, LLC (Time Warner), and XO Washington, Inc. (XO), (collectively, including AT&T, referred to as "CLECs"). Dennis D. Ahlers, attorney, Minneapolis, MN, represents Eschelon Telecom, Inc. (Eschelon). Michele Singer-Nelson, attorney, Denver, Colorado, represents WorldCom, Inc. (WorldCom). Mary M. Tennyson, Senior Assistant Attorney General, represents Washington Utilities and Transportation Commission Staff (Commission Staff).

- 5 **Discussion.** On September 23, 2002, Eschelon refiled its petition to intervene in the instant proceeding. Eschelon states that the reason it failed to enter an appearance by

counsel at the prehearing conference on August 6, 2002, was that counsel was absent from the office for two and one-half weeks, including the date of the prehearing conference, due to illness. Counsel has since been diagnosed with Lyme disease. Due to this illness, counsel failed to arrange for a substitute to appear at the prehearing conference and was unable to notify the bench of the reason for his absence.

6 Eschelon is a certified competitive telecommunications carrier in the State of Washington; competes with incumbent carriers, including Verizon; and, interconnects with Verizon pursuant to an interconnection agreement approved by the Commission. In the refiled petition to intervene, Eschelon states that it will take the proceeding as it is if the petition to intervene is granted, nor will the proposed intervention delay or complicate the proceeding.

7 No party has filed an objection to Eschelon's petition to intervene.

8 **Decision.** Eschelon would directly benefit from the establishment of a set of general terms to be utilized in negotiating interconnection agreement provisions with Verizon. As such, pursuant to RCW 34.05.443 and WAC 480-09-430, Eschelon is qualified to be an intervenor in this proceeding. Moreover, Eschelon has shown good cause, due to the illness of its attorney, for its failure to initially pursue its petition to intervene in this case. No party has expressed an objection and there will be no prejudice to the schedule from Eschelon's participation in the case.

ORDER

9 On the condition that Eschelon must abide by the schedule determined by the parties at the prehearing conference on August 6, 2002, set forth in the Commission's Third Supplemental Order entered on August 23, 2002, Eschelon's Petition to Intervene is granted.

Dated at Olympia, Washington, and effective this ____ day of October, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this order will control further proceedings in this matter, subject to Commission review.