

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Joint Application of)	DOCKET UT-090842
)	
VERIZON COMMUNICATIONS INC.)	
AND FRONTIER)	
COMMUNICATIONS CORPORATION)	JOINT RESPONSE OF FRONTIER
)	AND VERIZON OPPOSING IBEW'S
For An Order Declining to Assert)	PETITION TO INTERVENE
Jurisdiction Over, or, in the Alternative,)	
Approving the Indirect Transfer of)	
Control of Verizon Northwest Inc.)	
)	
.....)	
)	

1 Pursuant to WAC 480-07-355(2), Frontier Communications Corporation and Verizon Communications Inc. (Applicants) provide this Response opposing the intervention of the International Brotherhood of Electrical Workers, Local 89 (IBEW) in the above captioned docket.

2 IBEW's Petition to Intervene states that it represents its members both as customers and employees of Verizon in Washington. *IBEW Petition to Intervene, P.1*. The Petition also states that IBEW's participation will not broaden the issues in the proceeding. *IBEW Petition to Intervene, P. 2*. IBEW's interest in representing its members in this docket as employees of Verizon can only pertain to labor issues. These issues are not properly before the Commission and constitute an improper broadening of the issues in the case.

3 With respect to IBEW's claim to represent its member as customers of Verizon, those customers are already adequately represented in this case by Commission Staff and Public Counsel. To demonstrate sufficient interest in representing consumers in the case,

IBEW must affirmatively demonstrate why Staff and Public Counsel cannot adequately represent all Verizon customers, including IBEW members. IBEW makes no such demonstration in its Petition to Intervene.

4 WAC 480-07-355(4) allows the Commission to dismiss a party from a proceeding if it finds that an intervener has no substantial interest in the proceeding or the public interest will not be served by the intervener's continued participation. In other words, it is not sufficient that a potential intervener has an interest in the proceeding; that interest must be substantial. IBEW has not made a showing of a substantial interest that is unrepresented in this docket or that its participation will serve the public interest.

5 As to the potential that the proposed intervention will broaden the issues to be considered in this docket, IBEW's Petition to Intervene here is the same as one it recently filed in a proceeding involving the proposed merger of CenturyTel and Embarq in UT-082119. CenturyTel/Embarq objected to the intervention on the grounds that IBEW lacked the sufficient interest necessary to intervene and would improperly broaden the scope of the docket. The Commission granted IBEW's petition to intervene over CenturyTel/Embarq's objection based on IBEW's representations and assurances that it would "focus on issues such as financial and managerial fitness, and the potential impact on competition of the proposed merger." *Order 01, Docket UT-082119 at 2*. However, notwithstanding those assurances, the Commission found later that the IBEW ultimately used its participation in the docket to improperly "extract labor concessions from the Applicants" in the form of a "side-agreement" that prompted IBEW to request withdrawal from the case. *Order 05, Docket UT-082119*. The Commission excoriated the IBEW for improperly broadening the scope of the utility commission docket:

Frontier and Verizon's Opposition to IBEW's Petition to Intervene -- 2

Despite IBEW's representations at prehearing that it would keep labor relations out of this case, and its unreasoned argument later that it did so, the language of the side-agreement and IBEW's own arguments show beyond peradventure that the union used its status as a party in the proceeding principally, if not exclusively, to extract labor concessions from the Applicants. While union-management negotiations are important, and we would not want to interfere with them in any way, their insertion in the regulatory process can undermine the integrity of our processes. The Commission is charged in a proceeding such as this one with furthering the public interest. If parties dwell on issues outside the Commission's regulatory purview, then it is possible that the timelines of our proceedings, and their substance, may be impacted to the detriment of the greater public interest we must promote. It also undermines the credibility of counsel who made representations to the tribunal that were disingenuous at best. The principles of the Rules of Professional Conduct, and common professional courtesy, require attorney's appearing before us to be honest and forthright in their representations and actions. The public interest deserves no less.


Id. at 23-24. IBEW's statements in its Petition to Intervene reveal its real interest here and that improper intent must be considered.

As the Commission has made clear, IBEW labor and employment matters have no place in this docket. And the Commission's recent experience in the CenturyTel/Embarq case exhibits the lack of credibility associated with IBEW's petition that it will not address such matters in order to be granted party status in this type of docket. The Commission found such assurances ultimately were belied by IBEW's conduct after the status was granted, which was to focus "principally, if not exclusively" on such prohibited matters.

Id. Indeed, the Commission seemed outraged not just with IBEW's conduct, but also with its failure to acknowledge it by making "unreasoned argument[s]" to the contrary after the fact. *Id.* IBEW's attempted intervention here is a continuation of the IBEW's failure to comprehend the Commission's view of the limited scope of these dockets.

6 Moreover, IBEW does not need to be a full party to UT-090842 to makes its concerns
known to the Commission. IBEW can participate and file whatever comments and
concerns it deems appropriate with the Commission as can any member of the public.
7 For the reasons set forth above, Applicants respectfully request the Commission to deny
IBEW's Petition to Intervene.

Respectfully submitted this 30th day of June, 2009.

By: 
Charles L. Best
Attorney for Frontier Communications Corp
1631 NE Broadway, Suite 538
Portland, OR 97232
Phone: (503) 287-7160
Fax: (503) 287-7160
E-mail: chuck@charleslbest.com
WSB No. 31943

Gregory M. Romano
General Counsel – Northwest Region, Verizon
1800 41st Street, WA0105GC
Everett, Washington 98201
Phone: 425-261-5460
Fax: 425-252-4913
E-mail: gregory.m.romano@verizon.com
WSBA No. 38544