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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation Into U S WEST Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996)	Docket No. UT-003022
In the Matter of U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996.)	Docket No. UT-003040 QWEST'S OPPOSITION TO WAISP's LATE-FILED PETITION TO INTERVENE (WORKSHOP #4)

Qwest Corporation ("Qwest") submits this response to the late-filed petition for interven-
tion submitted by the Washington Association of Internet Services Providers ("WAISP"). Qwest
opposes this petition, on the basis that the petitioner has not established good cause for the late
filing, and on the basis that the petitioner seeks to intervene for an improper purpose. WAISP
filed its petition more than one year after the start of these proceedings, and six weeks after the
prehearing conference for Workshop #4. WAISP offers no reason in its petition for the late
filing.

Under WAC 480-09-430(1), a person who petitions to intervene after the proceedings are
underway must establish good cause for the late petition. WAISP has not alleged any facts to
establish good cause, and has not even addressed this rule requirement in its petition. WAISP
has not established that it was unaware of the proceeding, or that any circumstances prevented

1 the filing of a timely petition. Indeed, WAISP's petition to intervene was filed on the same day
2 that it filed its proposed testimony in this matter, rather than at the time WAISP made the
3 decision to intervene. WAISP clearly sat on its rights, apparently believing that its issues were
4 unrelated to this proceeding, or that it could address its issues in another manner. This does not
5 excuse the late filing, and intervention should be denied on that basis.

6 Additionally, WAISP's purpose for intervention is not proper. WAISP essentially seeks
7 to intervene in this proceeding to resolve a business dispute or disputes with Qwest. WAISP's
8 proposed testimony illustrates the problem with both the timeliness and the substance of its
9 position. WAISP's testimony discusses issues that date back to 1998, and none more recent than
10 April of 2001. Thus, as to the timeliness of the petition, WAISP clearly knew of the issues that
11 supposedly give rise to the intervention well in advance of the June 7, 2001 filing. As to the
12 substance of WAISP's petition, WAISP apparently seeks to resolve claims that, to date, it has not
13 considered to be related to this proceeding. Qwest does not believe that this proceeding is the
14 proper forum in which to resolve these disputes between the parties. Qwest is willing to discuss
15 any issues that WAISP might have, and in fact Qwest and WAISP have already met more than
16 once about the issues raised in the testimony. Additionally, unresolved issues can be addressed
17 though a complaint, or through an alternative dispute resolution process. However, WAISP
18 should not be allowed to use this proceeding as a forum to air and resolve business issues.

19 The petition to intervene is untimely, without good cause shown, and does not state a
20 proper basis for intervention. Thus, it should be denied.

21 DATED this 26th day of June, 2001.

22 Qwest Corporation

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25 By: _____
Lisa A. Anderl, WSBA #13236