

SERVICE DATE

OCT 25 1999

BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

In Re Application of U S WEST, Inc. )  
And QWEST COMMUNICATIONS )  
INTERNATIONAL, INC. )  
)  
For An Order Disclaiming Jurisdiction, or )  
in the Alternative, Approving the U S )  
WEST, INC.--QWEST )  
COMMUNICATIONS INTERNATIONAL, )  
INC. Merger )  
)  
..... )

DOCKET NO. UT-991358

FOURTH<sup>1</sup> SUPPLEMENTAL  
ORDER DENYING LATE-FILED  
PETITION TO INTERVENE

**PROCEEDINGS:** On August 31, 1999, U S WEST, Inc. and Qwest Communications International, Inc. jointly filed an application requesting the Commission to issue an order disclaiming jurisdiction over their proposed merger transaction, or in the alternative, approving the merger. The Commission, on due and proper notice, conducted a prehearing conference on September 23, 1999, before Chairwoman Marilyn Showalter, Commissioner William R. Gillis, and Administrative Law Judge Dennis J. Moss.

**PARTIES:** Lisa A. Anderl, Senior Attorney, U S WEST, Inc. Seattle, Washington represents U S WEST, Inc. Gina Spade, Hogan & Hartson L.L.P., Washington, D.C., represents Qwest Communications International, Inc. Dan Waggoner, Davis Wright Tremaine, Seattle, Washington, represents AT&T Communications of the Pacific Northwest, Inc. Andrew O. Isar, Director--State Affairs, Telecommunications Resellers Association, represents that industry organization. Angela Wu, Ater Wynne LLP, Seattle, Washington, represents Rhythms Links, Inc. Gregory J. Kopta, Davis Wright Tremaine, Seattle, Washington, represents Advanced Telecom Group, Inc., Nextlink Washington, Inc., and Northpoint Communications, Inc. Richard A. Finnigan, Attorney, Olympia, Washington, represents the Washington Independent Telephone Association. Mark P. Trincherro, Davis Wright Tremaine, Portland, Oregon, represents McLeodUSA Telecommunications Services, Inc. Brooks E. Harlow, Miller, Nash, Wiener, Hager & Carlson LLP, Seattle, Washington, represents Covad Communications Company, Northwest Payphone Association, and Metronet Services Corporation. Robert Nichols, Nichols and Associates, Boulder, Colorado, represents Level 3 Communications, Inc. Arthur A. Butler, Ater Wynne LLP, Seattle, Washington, represents SBC National, Inc. Simon ffitc, Assistant Attorney General,

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<sup>1</sup> Previously, we entered orders in this proceeding designated "First Supplemental Order" and "Third Supplemental Order." Due to administrative oversight, there is no "Second Supplemental Order" in this docket.

Seattle, Washington, represents the Public Counsel Section, Office of Attorney General. Sally G. Johnston, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Staff).

**LATE-FILED MOTION TO INTERVENE:** On October 5, 1999, GST Telecom Washington, Inc. ("GST") filed a Petition To Intervene in this proceeding. On October 14, 1999, Joint Applicants U S WEST, Inc. and Qwest Communications International, Inc. filed a response in opposition. Under the Commission's rules, the petition is untimely. WAC 480-09-430(a). As Joint Applicant's point out, "[i]n the Commission's Notice of Prehearing Conference issued on September 10, 1999, the Commission reiterated the requirements of its rule regarding the deadline and required petitions to be filed in writing prior to the prehearing conference on September 23, 1999."

GST's petition fails to state any reason for its failure to petition to intervene by the deadline. GST fails to establish good cause to excuse its late filing, as required by WAC 480-09-430(b). We find also that GST demonstrates no interest in the proceeding that is different from that represented by other wholesale customers of U S WEST. The interests of such customers are well-represented by other intervenors, some of whom are represented by the same counsel who would represent GST. GST has not demonstrated a basis for the Commission to grant its petition and the petition should be denied.

**ORDER**

THE COMMISSION ORDERS That GST Telecom Washington, Inc's Petition To Intervene is denied.

DATED at Olympia, Washington, and effective this 25<sup>th</sup> day of October, 1999.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

  
MARILYN SHOWALTER, Chairwoman

  
RICHARD HEMSTAD, Commissioner

  
WILLIAM R. GILLIS, Commissioner