BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MOTION OF INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 89, FOR
PERMISSION TO REPLY TO
ANSWER OF FRONTIER AND
VERIZON

Pursuant to WAC 480-07-370(1)(d), the International Brotherhood of Electrical Workers, Local 89 ("IBEW"), hereby moves for permission to file a Reply to the Answer of Frontier Communications Corporation and Verizon Communications Inc. ("Applicants") opposing IBEW's petition to intervene.¹ In support of this motion, IBEW states as follows:

- 1. On June 29, 2009, IBEW filed a Petition to Intervene in this proceeding.
- 2. On June 30, 2009, Applicants filed an Answer opposing IBEW's intervention.
- 3. Applicants' Answer contains factual allegations and legal argument (including citations to legal authority), all of which is new material to which IBEW requests the opportunity to reply.
- 4. The Commission's rules recognize the importance of providing a full opportunity for proposed intervenors to be heard. WAC 480-07-355(4) provides that an intervenor can be dismissed only "after notice and a reasonable opportunity to be heard." Further, WAC 480-07-355(5) and WAC 480-07-810 provide that someone who is denied the opportunity to intervene may seek interlocutory review by the Commission.

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¹ The pleading filed by Applicants was incorrectly titled a "Response." Under the Commission's rules, the response to a petition is supposed to be called an "Answer." WAC 480-07-370(1)(c)(i).

- 5. Permitting IBEW to reply to Applicants' Answer would be fully consistent with the policy embodied in the Commission's rules that a proposed intervenor should be given a reasonable opportunity to be heard. Permitting IBEW to reply also would enable the Administrative Law Judge to rule based on a full presentation of the issue, rather than the factual assertions and legal argument of only one party.
 - 6. IBEW's proposed reply is attached hereto as Attachment A.

WHEREFORE, International Brotherhood of Electrical Workers, Local 89, respectfully requests permission to reply to Applicants' Answer in opposition to IBEW's intervention.

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