

BEFORE THE PUBLIC UTILITY COMMISSION OF

OREGON

UM 1416

In the Matter of)
)
EMBARQ CORPORATION and) OPPOSITION TO PETITION TO
CENTURYTEL, INC.) INTERVENE OF DAVID BURSTEIN
)
Joint Application for Approval of Merger)
between the two companies and their)
regulated subsidiaries)
_____)

APPLICANTS' OPPOSITION TO PETITION TO INTERVENE

Embarq Corporation and CenturyTel, LLC ("Applicants") oppose the Petition to Intervene of David Burstein ("Petition") and submits that it should instead be treated as a request to be an interested party to the proceeding. The Petition does not state an interest in the proceeding and the intervention would likely broaden the issues, burden the record, and unreasonably delay the proceeding.

ARGUMENT

According to OAR 860-012-0001(2), the Commission will grant intervention only if the petitioner demonstrates (a) "sufficient interesting in the proceeding" and (b) that it will not "broaden the issues, burden the record, or unreasonably delay the proceeding." The Petition states no interest in the proceeding, and thus the Petition fails to meet the first prong of the Commission's test for granting intervention.¹

¹ Applicants also note that the address and phone numbers stated in the Petition appear to be from New York, NY.

In addition, the Petition raises issues that are beyond the scope of this proceeding, including "pricing and availability of broadband," "insolvency at Hawaiian Telecom and the issues raised in Fairpoint," and "transparency and full reporting of the companies." The first issue involves managerial decisions regarding unregulated services and is beyond the scope of this proceeding. The second issue threatens to burden the record with facts that do not involve the parties to this case nor issues related to the state of Oregon. And it is unclear to Applicants what specific issues are raised with respect to "transparency and full reporting." Therefore, the Petition also fails to meet the second prong of the Commission's test for granting intervention.

CONCLUSION

The Petition fails to state an interest in the proceeding, raises issues beyond the scope of the proceeding, and will likely unreasonably burden the record and delay the proceeding. Applicants believe that it would be more appropriate to treat the Petition as a request to be an interested party.

Respectfully submitted this 12th day of March 2009.

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CERTIFICATE OF SERVICE

I hereby certify that on this day I served the foregoing **APPLICANT'S OPPOSITION TO BURSTEIN'S INTERVENTION** by mailing a copy thereof in a sealed envelope, first-class postage prepaid, addressed to each party listed below, deposited in the U.S. Mail at Portland, Oregon.

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DATED this 12th day of March, 2009.



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