

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

DOCKET NO. UM 1191

QWEST CORPORATION,	)	
	)	
Complainant,	)	<b>DEFENDANT CEC'S</b>
	)	<b>RESPONSE TO MOTION TO</b>
vs.	)	<b>STRIKE OF BEND CABLE</b>
	)	<b>AND CRESTVIEW CABLE</b>
CENTRAL ELECTRIC COOPERATIVE,	)	
INC.,	)	
	)	
Defendant.	)	
_____	)	

**RESPONSE**

Bend Cable Communications and Crestview Cable have failed to provide any convincing justification for their attempt to intervene in this docket. Instead of confronting the substance of CEC's objections, the proposed intervenors have moved to strike CEC’s well-founded objections with arguments based solely on form.

The only response offered by the prospective intervenors to CEC's objections to their Motion to Intervene is a motion to strike that conspicuously puts form over substance: First, that CEC put the wrong caption on its objections, and second, that despite the proposed intervenors’ own lack of notice to CEC before filing their Petition to Intervene, CEC’s objection was filed a day outside of PUC standards. Bend Cable and Crestview Cable cannot claim to be prejudiced from any alleged procedural defects. After all, Bend Cable and Crestview Cable filed their petitions to intervene without any notice or warning to CEC while negotiations between the parties were ongoing.

Bend Cable and Crestview Cable want to avoid confronting the merits of CEC's objections. In attempting to avoid CEC's arguments the proposed intervenors now make the circular claim that: "[T]he specifics of Intervenor's negotiations are not relevant to this docket," but that intervention should be allowed because "It is sufficient to note that the Intervenor is *negotiating an agreement* on parallel tracks with the CEC/ Qwest negotiations." After making this confusing disclaimer, Bend Cable and Crestview Cable fail to offer any alternative interest or justification for intervention. That is because the prospective intervenors have no interest in this docket apart from their attempt to improperly gain influence in their own ongoing negotiations with CEC.

CEC has moved to dismiss the Complaint of Qwest Corporation and objected to the attempt to intervene by Bend Cable and Crestview Cable because the authority of the PUC should not be manipulated and used as a tactic in place of good faith negotiation by parties that would otherwise be within its jurisdiction. Both Qwest and the prospective intervenors have attempted to manipulate the PUC in just such a fashion by invoking PUC dispute resolution procedures before they have even exhausted negotiations with CEC. For that reason the Motion to Intervene filed by Bend Cable and Crestview Cable should be denied.

DATED this 17th day of March, 2005.

FRANCIS HANSEN & MARTIN, LLP

/s/ Martin E. Hansen  
Martin E. Hansen, OSB #80052  
Of Attorneys for Plaintiff

**CERTIFICATE OF TRUE COPY**

I hereby certify that the foregoing **DEFENDANT CEC'S RESPONSE TO MOTION TO STRIKE** is a true, exact and full copy of the original thereof.

DATED this 17th day of March, 2005.

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Martin E. Hansen, OSB #80052  
Of Attorneys for Defendant  
Central Electric Cooperative, Inc.

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**CERTIFICATE OF MAILING**

I certify that I served the foregoing document(s) by email and by depositing a true, full and exact copy thereof in the United States Post Office at Bend, Oregon, on March 17, 2005, enclosed in a sealed envelope with postage thereon, addressed to:

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