

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
DOCKET NO. UM 1191

QWEST CORPORATION,

Complainant,

v.

CENTRAL ELECTRIC COOPERATIVE,  
INC.,

Defendant.

PETITION TO INTERVENE OF BEND  
CABLE COMMUNICATIONS AND  
CALIFORNIA OREGON  
BROADCASTING, INC. d/b/a  
CRESTVIEW CABLE  
COMMUNICATIONS

Bend Cable Communications LLC (“Bend Cable”) and California Oregon Broadcasting, Inc. d/b/a Crestview Cable Communications (“Crestview”) (collectively “Petitioners”), through their attorneys, Brooks E. Harlow, and Miller Nash LLP, respectfully petitions to be allowed to intervene in this docket

1. Name and address of Petitioners:

Bend Cable Communications, Inc.  
Attention: Amy Tykeson  
63090 Sherman Road  
Bend, Oregon 97701  
Phone: (541) 312-6442  
Fax: (541) 385-3271  
E-mail: [atykeson@bendcable.com](mailto:atykeson@bendcable.com)

Crestview Cable Communications  
Attention: Roger Harris  
125 South Fir Steet  
Medford, Oregon 97501  
Phone: (541) 779-5555  
Fax: (541) 1151  
E-mail: [rharris@kobi5.com](mailto:rharris@kobi5.com)

2. The name and address of Petitioners' attorneys are:

Brooks E. Harlow  
Miller Nash LLP  
601 Union Street  
4400 Two Union Square  
Seattle, WA 98101  
Phone: (206) 777-7406  
Fax: (206) 622-7485  
E-mail: brooks.harlow@millernash.com

- 3.. If the Petitioner is an organization, the number of members in and the purposes of the organization:

Not applicable.

4. Nature and extent of the Petitioners' interests in the proceeding:

Bend Cable has a substantial interest in this proceeding because it attaches to over 4,000 of the poles owned by respondent Central Electric Cooperative ("CEC"). Also, Bend Cable will be entering into a new pole contract with CEC soon because CEC has given Bend Cable notice of revocation of Bend Cable's existing contract effective on March 12, 2005. Bend Cable believes that the form of contract that CEC is proposing is identical to the contract Qwest has placed in issue in this docket. As Qwest alleges, Bend Cable also believes that the form of contract that CEC has provided to Qwest and Bend Cable includes terms, conditions, and rates that are unjust, unfair, and unreasonable and in violation of applicable law.

Crestview also has a substantial interest in this proceeding because it attaches to over 500 of the poles owned by respondent Central Electric Cooperative ("CEC"). Crestview also believes that the form of contract that CEC will propose to it is identical to the contract Qwest has placed in issue in this docket. As Qwest alleges, Crestview also believes that the form of contract that CEC has provided to it includes terms, conditions, and rates that are unjust, unfair, and unreasonable and in violation of applicable law.

While at this time Petitioners are continuing to attempt to negotiate a fair, just, reasonable, and lawful contract with CEC (and will continue to do so after its intervention in this

matter unless and until impasse is reached or a contract is signed) CEC has told Petitioners that it desires to have all of its attachers execute a contract that is substantively identical. Accordingly, either Petitioners may not be able to negotiate a contract with CEC until this docket is concluded or, alternatively, CEC may seek to impose on Petitioners the contract that results from this proceeding. Such imposition could occur in either the current or future contract renewals or negotiations between CEC and Petitioners. Accordingly, the outcome of this docket will likely have a substantial and direct impact on Petitioners.

5. The issues the Petitioners intend to raise at the proceeding:

Petitioners expect that they may address all of the issues in this docket as raised by Qwest. However, Petitioners do not intend to unduly broaden the issues or burden the record by, for example, seeking to negotiate their own contracts directly in this proceeding.<sup>1</sup> Petitioners will work within the schedule established by the complainant and defendant in this docket and will not unreasonably delay the proceeding.

6. Any special knowledge or expertise of the Petitioners that would assist the Commission in resolving the issues in the proceeding:

As noted above, Petitioners are facing almost identical issues with CEC. However, Petitioners bring the perspective of companies that do not own any poles of their own, unlike Qwest, which is both a pole owner and an attacher. Bend Cable has the perspective of a relatively large cable company, while Crestview has the perspective of a relatively small cable company. Petitioners' counsel has experience in other commission dockets regarding pole attachments. Thus, Petitioners believe that their participation will help the Commission resolve the issues consistent with Oregon precedent and applicable law all protecting the interests of the public in CEC's service area.

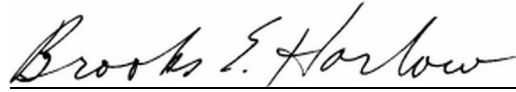
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<sup>1</sup> For example, if Bend Cable's negotiations with CEC reach an impasse, Bend Cable would expect to commence its own proceeding, either at the PUC or with the JUA, rather than attempting to use this proceeding to resolve its negotiations, as opposed to issues of general interest or precedential value.

7. As noted above, Petitioners' intervention will not unreasonably broaden the issues or delay this proceeding.

DATED this 9<sup>th</sup> day of February, 2005.

MILLER NASH LLP



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Brooks E. Harlow  
OSB No. 03042  
Miller Nash LLP  
4400 Two Union Square  
601 Union Street  
Seattle, Washington 98101-2352  
Telephone: (206) 622-8484

Attorneys for Intervenors  
Bend Cable Communications, LLC and  
Crestview Cable Communications

CERTIFICATE OF SERVICE

DOCKET NO. UM 1191

I hereby certify that a true and correct copy of the foregoing was sent by first-class mail, postage fully prepaid, enclosed in a sealed envelope, addressed to:

Lawrence Reichman  
John P. (Jay) Nusbaum  
Perkins Coie LLP  
1120 NW Couch Street, 10<sup>th</sup> Floor  
Portland, OR 97209  
E-mail: LReichman@perkinscoie.com; JNusbaum@perkinscoie.com

Leslie Kelly  
Qwest Communications International, Inc.  
1801 California Street  
Denver, CO 80202  
E-mail: leslie.kelly@qwest.com

Martin E. Hansen  
Francis Hansen & Martin, LLP  
1148 N.W. Hill Street  
Bend, OR 97701-1914  
E-mail: meh@francishansenmartin.com

Dated at Seattle, Washington this \_\_\_\_ day of February, 2005.

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Carol Munnerlyn  
Secretary