



# Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

MELISSA K. GERAGHTY  
DIRECT: (206) 628-7593  
melissageraghty@dwt.com

2600 CENTURY SQUARE  
1501 FOURTH AVENUE  
SEATTLE, WA 98101-1688

TEL (206) 622-3150  
FAX (206) 628-7699  
www.dwt.com

November 12, 2003

By Federal Express

Ms. Carole J. Washburn  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Docket No. UT-033044

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket, please find the original and 19 copies of **Exhibit B (Expert Agreement)** signed by Raymond L. Smith on behalf of Eschelon Telecom, Inc. Please substitute this Exhibit B for the Exhibit A which was mistakenly filed earlier in this docket for Mr. Smith.

Please call with any questions. Thank you for your assistance.

Very truly yours,

Davis Wright Tremaine LLP

Melissa K. Geraghty  
Assistant to Gregory J. Kopta

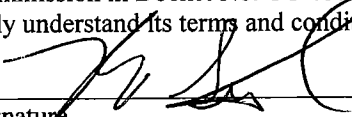
Enclosures  
cc: Service List

RECEIVED  
RECORDS MANAGEMENT  
03 NOV 13 AM 9:12  
STATE OF WASH  
UTIL. AND TRANSP.  
COMMISSION

**EXHIBIT B (EXPERT AGREEMENT)**

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION  
IN DOCKET NO. UT-033044  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, Raymond L. Smith, as expert witness, consultant, or advisor in this proceeding for Eschelon Telecom, Inc. (a party to this proceeding) hereby agree to comply with and be bound by the Protective Order entered by the Washington Utilities and Transportation Commission in Docket No. UT-033044 and acknowledge that I have reviewed the Protective Order and fully understand its terms and conditions.

  
\_\_\_\_\_  
Signature

November 3, 2003  
\_\_\_\_\_  
Date

Eschelon Telecom, Inc.  
\_\_\_\_\_  
Employer

Suite 1200  
730 Second Avenue South  
Minneapolis, MN 55402  
\_\_\_\_\_  
Permanent Address

Manager, ILEC Performance  
\_\_\_\_\_  
Position and Responsibilities

\* \* \*

The following portion is to be completed by the responding party and filed with the Commission within 10 days of receipt. Failure to do so will constitute a waiver and the above-named person will be deemed an expert, consultant, or advisor having access to Confidential Information under the terms and conditions of the protective order.

\_\_\_\_\_ No objection.

\_\_\_\_\_ Objection. The responding party objects to the above-named expert, consultant, or advisor having access to Confidential Information. The objecting party shall file a motion setting forth the basis for objection and asking exclusion of the expert, consultant, or advisor from access to Confidential Information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

RECEIVED  
RECORDS MANAGEMENT  
03 NOV 13 AM 9:12  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

**CERTIFICATE OF SERVICE**  
**Docket No. UT-033044**

I hereby certify that on the date given below the original and 19 true and correct copies of **Exhibit B (Expert Agreement) signed by Raymond L. Smith** in the above-referenced docket were delivered by Federal Express, overnight delivery, to:

Ms. Carole J. Washburn, Secretary  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250  
e-mail: [records@wutc.wa.gov](mailto:records@wutc.wa.gov)

RECEIVED  
RECORDS MANAGEMENT UNIT  
03 NOV 13 AM 9:10  
STATE OF WASHINGTON  
UTIL. AND TRANSP.  
COMMISSION

On the same date, a true and correct copy of each of the above-mentioned documents was sent by regular U.S. Mail, postage prepaid, to:

Rebecca DeCook AT&T Communications 1875 Lawrence Street, Suite 1575 Denver, CO 80202 e-mail: <a href="mailto:decook@att.com">decook@att.com</a>	Brooks E. Harlow Miller Nash LLP 601 Union Street, Suite 4400 Seattle, WA 98101-2352 e-mail: <a href="mailto:brooks.harlow@millernash.com">brooks.harlow@millernash.com</a>
Stephen S. Melnikoff Regulatory Law Office US Army Litigation Center 901 N. Stuart Street, Suite 700 Arlington, VA 22203-1837 Email: <a href="mailto:Stephen.melnikoff@hqda@army.mil">Stephen.melnikoff@hqda@army.mil</a>	Michel Singer Nelson MCI Inc. 707 - 17th Street, Suite 4200 Denver, CO 80202 e-mail: <a href="mailto:michel.singer_nelson@wcom.com">michel.singer_nelson@wcom.com</a>
Lisa A. Anderl Qwest Corporation 1600 - 7th Avenue, Room 3206 Seattle, WA 98191 e-mail: <a href="mailto:lisa.anderl@qwest.com">lisa.anderl@qwest.com</a>	William E. Hendricks III Sprint Corp. 902 Wasco Street Hood River, OR 97031 Email: <a href="mailto:tre.e.hendricks.iii@mail.sprint.com">tre.e.hendricks.iii@mail.sprint.com</a>
Timothy O'Connell Stoel Rives LLP 600 University Street, Suite 3600 Seattle, WA 98101 Email: <a href="mailto:tjoconnell@stoel.com">tjoconnell@stoel.com</a>	Arthur A. Butler Ater Wynne 601 Union Street, Suite 5450 Seattle, WA 98101 e-mail: <a href="mailto:aab@aterwynne.com">aab@aterwynne.com</a>
Simon ffitch Public Counsel Office of the Attorney General 900 Fourth Avenue, Suite 2000 Seattle, WA 98164 e-mail: <a href="mailto:simonf@atg.wa.gov">simonf@atg.wa.gov</a>	Jonathan Thompson Assistant Attorney General 1400 S. Evergreen Park Drive SW PO Box 40128 Olympia, WA 98504-0128 Email: <a href="mailto:jthomps@wutc.wa.gov">jthomps@wutc.wa.gov</a>

DATED this 12<sup>th</sup> day of November, 2003.

By: Melissa K. Geraghty  
Melissa K. Geraghty