

# McDowell & Rackner PC



LISA RACKNER  
Direct (503) 595-3925  
lisa@mcd-law.com

October 7, 2009

## VIA ELECTRONIC FILING AND U.S. MAIL

David Danner  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
PO Box 47250  
1300 S. Evergreen Park Drive, S.W.  
Olympia, WA 98504-7250

**Re: Docket No. UT-090842**

Dear Mr. Danner:

Enclosed for filing in the above-referenced proceeding are an original and 7 copies of the following documents:

1. Agreement Concerning Confidential Information Signatory Page signed by William P. Hunt III, Gregory T. Diamond, and Kimberly A. West, on behalf of Level 3 Communications, LLC.
2. Agreement Concerning Highly Confidential Information Signatory Page signed by William P. Hunt III, Gregory T. Diamond, and Kimberly A. West, on behalf of Level 3 Communications, LLC.

A copy of this filing was served on all parties to this proceeding as indicated on the attached certificate of service.

Very truly yours,

Lisa Rackner

cc: Parties of Record

**CERTIFICATE OF SERVICE**  
**Docket No. UT-090842**

I hereby certify that on the date given below the original and 7 true and correct copies of *Level 3 Communications, LLC's Signature Pages to Protective Order No. 1* were sent by email and regular U.S. Mail, postage prepaid to:

David W. Danner  
Executive Director & Secretary  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250  
E-mail: records@wutc.wa.gov

On the same date, a true and correct copy was sent by email and by regular U.S. Mail, postage prepaid, to:

Gregory M. Romano  
General Counsel – Northwest Region  
Verizon Northwest Inc. (T075)  
1800 41<sup>st</sup> Street  
WA0105GC  
Everett, WA 98201

Charles L. Best  
1631 NE Broadway, Suite 538  
Portland, OR 97232-1425

Kevin Saville  
2378 Wilshire Blvd.  
Mound, MN 55364

Gregory J. Kopta  
Davis Wright Tremaine, LLP  
1201 Third Ave., Suite 2200  
Seattle, WAS 98101-1688

Mark P. Trincherro  
Davis Wright Tremaine LLP  
1300 SW Fifth Avenue,  
Suite 2300  
Portland, OR 97201

Jonathan Thompson  
Attorney General  
State Mail Stop 40128  
1125 Washington St. SE  
PO Box 40100  
Olympia, WA 98504-0100


Simon ffitich  
Sarah Shifley  
Public Counsel Section  
Office of Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188

Stephen S. Melnikoff  
U.S. Army Litigation Center  
901 N. Stuart Street, Suite 700  
Arlington, VA 22203-1837

Brooks E. Harlow  
David L. Rice  
Miller Nash  
601 Union St.  
Seattle, WA 98101-2352

<p>Scott Rubin 333 Oaklane Bloomsburg, PA 17815</p>	
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DATED this 7th of October, 2009.

By:   
Lisa Rackner

**EXHIBIT B (EXPERT AGREEMENT)**

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION  
IN DOCKET UT-090842  
BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, William P. Hunt III, as expert witness in this proceeding for Level 3 COMMUNICATIONS (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 UT-090842, and acknowledge that I have reviewed the Protective Order and fully understand its terms and conditions.

Wm. P. Hunt III  
Signature

29 Sept. 2009  
Date

Level 3 COMMUNICATIONS  
Employer

10295 1025 Eldorado Blvd  
Address  
Broomfield, CO 80021

UP. Public Policy  
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 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 having access to Confidential Information. The objecting party shall file a motion setting forth the basis for objection and asking exclusion of the expert from access to Confidential Information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT B (EXPERT AGREEMENT)**

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION  
IN DOCKET UT-090842  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, Gregory T. Diamond, as expert witness in this proceeding for Level 3 (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 UT-090842, and acknowledge that I have reviewed the Protective Order and fully understand its terms and conditions.

Signature

Date

Employer

Address

Position and Responsibilities

Level 3  
1025 Eldon Blvd.  
Broomfield, CO 80021

9/29/09  
Inhouse attorney

\*\*\*

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 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 having access to Confidential Information. The objecting party shall file a motion setting forth the basis for objection and asking exclusion of the expert from access to Confidential Information.

Signature

Date

**EXHIBIT B (EXPERT AGREEMENT)**

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION  
IN DOCKET UT-090842  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, Kimberly A. West, as expert  
witness in this proceeding for Level 3 (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  
UT-090842, and acknowledge that I have reviewed the Protective Order and fully  
understand its terms and conditions.

[Signature]  
Signature

09/30/09  
Date

Level 3  
Employer

1025 Eldorado Blvd., Broomfield, CO  
Address 80021

Law Clerk  
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 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  
having access to Confidential Information. The objecting party shall file a motion  
setting forth the basis for objection and asking exclusion of the expert from access to  
Confidential Information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT C (HIGHLY CONFIDENTIAL INFORMATION AGREEMENT)**

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION  
IN DOCKET UT-090842  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, William P. Hunt III, as

- In-house attorney
- In-house expert
- Outside counsel
- Outside expert

in this proceeding for Level 3 Communications LLC (a party to this proceeding) hereby declare under penalty of perjury under the laws of the State of Washington that the following are true and correct:

- a. I am not now involved, and will not for a period of two years involve myself in, competitive decision making with respect to which the documents or information may be relevant, by or on behalf of any company or business organization that competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the pricing, marketing, and sales of retail telecommunications services in the state of Washington, and
- b. I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Section C of the Protective Order.

Wm. P. Hunt III  
Signature

29 Sept. 2005  
Date

Broomfield, Colorado  
City/State where this Agreement was signed

Employer LEVEL 3 COMMUNICATIONS

VP Public Policy  
Position and Responsibilities

1025 Eldorado Blvd, Broomfield, CO  
Permanent Address 80221

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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 a person having access to Highly Confidential Information under the terms and conditions of the protective order.

           No objection.

           Objection. The responding party objects to the above-named person having access to Highly Confidential Information. The objecting party shall file a motion with the Commission, supported by affidavit, setting forth the basis for objection and asking exclusion of the person from access to Highly Confidential Information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**EXHIBIT C (HIGHLY CONFIDENTIAL INFORMATION AGREEMENT)**

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION  
IN DOCKET UT-090842  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, Gregory T. Diamond, as

- In-house attorney
- In-house expert
- Outside counsel
- Outside expert

in this proceeding for Level 3 (a party to this proceeding) hereby declare under penalty of perjury under the laws of the State of Washington that the following are true and correct:

- a. I am not now involved, and will not for a period of two years involve myself in, competitive decision making with respect to which the documents or information may be relevant, by or on behalf of any company or business organization that competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the pricing, marketing, and sales of retail telecommunications services in the state of Washington, and
- b. I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Section C of the Protective Order.

Signature

Broomfield, CO  
City/State where this Agreement was signed

Date

9/29/09

Employer

Level 3

1025 ~~St St~~ Eldorado Blvd.

Position and Responsibilities

Permanent Address

Bramfield, CO 80021

\*\*\*

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 a person having access to Highly Confidential Information under the terms and conditions of the protective order.

         No objection.

         Objection. The responding party objects to the above-named person having access to Highly Confidential Information. The objecting party shall file a motion with the Commission, supported by affidavit, setting forth the basis for objection and asking exclusion of the person from access to Highly Confidential Information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT C (HIGHLY CONFIDENTIAL INFORMATION AGREEMENT)**

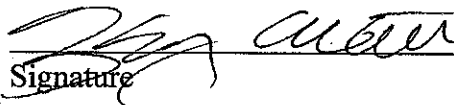
AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION  
IN DOCKET UT-090842  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, Kimberly A. West, as

- In-house attorney (law clerk)
- In-house expert
- Outside counsel
- Outside expert

in this proceeding for level 3 (a party to this proceeding) hereby declare under penalty of perjury under the laws of the State of Washington that the following are true and correct:

- a. I am not now involved, and will not for a period of two years involve myself in, competitive decision making with respect to which the documents or information may be relevant, by or on behalf of any company or business organization that competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the pricing, marketing, and sales of retail telecommunications services in the state of Washington, and
- b. I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Section C of the Protective Order.

  
Signature

9/30/09  
Date

Broomfield, CO  
City/State where this Agreement was signed

Employer

Level 3  
Position and Responsibilities

1025 Eldorado Blvd, Broomfield Co  
Permanent Address 80021

\*\*\*

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 a person having access to Highly Confidential Information under the terms and conditions of the protective order.

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

\_\_\_\_\_ Objection. The responding party objects to the above-named person having access to Highly Confidential Information. The objecting party shall file a motion with the Commission, supported by affidavit, setting forth the basis for objection and asking exclusion of the person from access to Highly Confidential Information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date