

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PAC-WEST TELECOMM, INC.

Petitioner,

v.

QWEST CORPORATION,

Respondent.

DOCKET NO. UT-053036

AFFIDAVIT OF TED D. SMITH IN SUPPORT
OF QWEST CORPORATION'S MOTION FOR
SUMMARY DETERMINATION

LEVEL 3 COMMUNICATIONS, LLC,

Petitioner,

v.

QWEST CORPORATION,

Respondent.

DOCKET NO. UT-053039

STATE OF UTAH)
) :ss
COUNTY OF SALT LAKE)

I, Ted D. Smith, being first duly sworn, depose and state as follows:

1. I am a partner in the law firm Stoel Rives, a regional law firm with offices in several western and mid-western cities, and have been since 2001.

2. I received a Bachelor of Sciences degree from the University of Utah in Political Science and later received a Juris Doctor degree from the University of Utah School of Law in 1975. I am an active member of the Utah State Bar Association.

3. I was retained in early 2006 by Qwest Corporation to assist it in the

litigation of Docket No. UT-063038 and have participated in that proceeding, including taking an active role in the evidentiary hearing and briefing of that docket.

4. In connection with my involvement in Docket No. UT-063038, I have maintained true and correct copies of exhibits entered into evidence in Docket No. UT-063038.

5. The following attached exhibits, each of which is referred to in Qwest's Memorandum, are true and correct copies of the exhibits that were placed into evidence in Docket No. UT-063038:

- a. Exhibit A is a true and correct copy of a five-page exhibit (Exhibit 474 in Docket No. UT-063038) containing pages from a tariff filed by Level 3 with the Washington Commission.
- b. Exhibit B is a true and correct copy of a 12-page excerpt from a voluminous exhibit (Exhibit 518 in Docket No. UT-063038) containing pages from a price list filed by Pac-West with the Washington Commission.
- c. Exhibit C is a true and correct copy of a 29-page exhibit (Exhibit 477 in Docket No. UT-063038) containing excerpted pages from an interconnection agreement between Level 3 and Qwest in Washington.
- d. Exhibit D is a true and correct copy of a 29-page exhibit (Exhibit 519 in Docket No. UT-063038) containing excerpted pages from an interconnection agreement between Pac-West and Qwest in Washington.
- e. Exhibit E is a true and correct copy of a 1-page exhibit (Exhibit 25 in Docket No. UT-063038) setting forth the one-way nature of Pac-West traffic in

Washington. While marked as confidential when filed, this exhibit was received as a non-confidential document in Docket No. UT-063038.

- f. Exhibit F is a true and correct copy of a 1-page exhibit (Exhibit 26 in Docket No. UT-063038) setting forth the one-way nature of Level 3 traffic in Washington. While marked as confidential when filed, this exhibit was received as a non-confidential document in Docket No. UT-063038.

DATED this ____ day of February, 2009

Ted D. Smith

Subscribed and sworn to before me this _____ day of February, 2009.

NOTARY PUBLIC

Residing at _____

My Commission expires: _____