



# Davis Wright Tremaine LLP

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

GREGORY J. KOPTA  
Direct (206) 757-8079  
gregkopta@dwt.com

SUITE 2200  
1201 THIRD AVENUE  
SEATTLE, WA 98101

TEL (206) 622-3150  
FAX (206) 757-7700  
www.dwt.com

May 23, 2008

*Via Overnight Delivery*

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

Re: Docket No. UT-053041

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket, please find the original and 2 copies of the Direct Testimony of Keith Southard with its attached Exhibits (Public, Confidential and Highly Confidential versions) and the Direct Testimony of Paul J. Eisenberg. Also enclosed for filing is the original and 2 copies of Exhibit A & C to the Protective Order for Gregory J. Kopta.

Thank you for your assistance.

Very truly yours,

Davis Wright Tremaine LLP

Mary A. Scarsorie  
Assistant to Gregory J. Kopta

Enclosures  
cc: Service List

RECEIVED  
CORPORATE MANAGEMENT  
2008 MAY 27 AM 9:07  
STATE OF WASH  
UTIL. AND TRANSP.  
COMMISSION

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

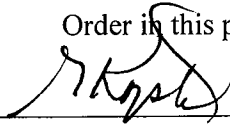
AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION  
IN DOCKET UT-053041  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, GREGORY J. KOPTA, as

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

in this proceeding for ICS (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 provision of telecommunications service, Internet service and cable TV-like service in the Roslyn exchange, including but not limited to the Suncadia Master Planned Resort area; 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

5/23/08  
Date

Seattle, WA  
City/State where this Agreement was signed

Davis Wright Tremaine  
Employer

Partner  
Position and Responsibilities

1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045

Permanent Address

\* \* \*

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