

[Service Date October 31, 2003]

October 31, 2003

Mr. Gregory J. Kopta  
Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688

Re: Confidentiality Agreement for Mr. Raymond L. Smith, Eschelon Telecom  
of Washington; Docket No. UT-033044

Dear Mr. Kopta:

The Commission has received your filing of October 28, 2003, attaching confidentiality agreements in this proceeding for you on behalf of various clients, as well agreements for inside counsel and administrative assistants employed by Eschelon Telecom of Washington, Inc. (Eschelon). Included with these confidentiality agreements is an Exhibit A signed by Raymond L. Smith, a Manager of ILEC Performance employed by Eschelon. Under the terms of the Protective Order, Order No. 02 in this proceeding, Mr. Smith should more appropriately sign an Exhibit B to the Protective Order, as he is neither an attorney nor an administrative assistant. Thank you for your attention to this detail.

Sincerely,

ANN E. RENDAHL  
Administrative Law Judge