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February 24, 2003

Via Facsimile and Regular Mail

Robert J. Backstein, Hearing Examiner  
Snohomish County Hearing Examiner's Office  
M/S 405  
3000 Rockefeller Ave.  
Everett, WA 98201

RE: **Argument on Reconsideration**  
**File No. 02 104238**  
**Applicant: Cingular Wireless**  
**Appellant: Mike and Kim Myhre**

Dear Examiner Backstein:

We are in receipt of correspondence from both Mike Myhre and his counsel David Bricklin objecting to our reconsideration argument. Neither of these parties appear to have read SCC 2.02.167(6) which specifies the manner in which a Request for Reconsideration shall be handled by the Examiner.

Mr. Bricklin appears to be unaware of the fact that Cingular timely requested reconsideration when he complains of Cingular's letter which was submitted "after the deadline has passed for requesting reconsideration." Our argument was also timely forwarded in compliance with the above code provision which provides as follows:

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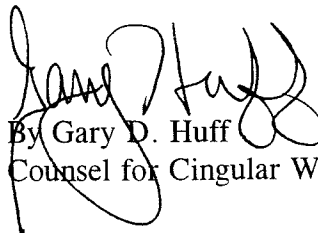
(6) The petition for reconsideration shall be disposed of in writing by the same examiner who rendered the decision, if reasonably available . . . The examiner may at his discretion:

- (a) Deny the petition;
- (b) Grant the petition and issue an amended decision in accordance with the provisions of SCC 2.02.150 following reconsideration;
- (c) Accept the petition and give all parties of record the opportunity to submit written comment . . .
- (d) Accept the petition and set the matter for further open record hearing to consider new evidence . . .

This is exactly the procedure followed to date. Reconsideration and an opportunity to present new evidence at an open record hearing were requested on February 6. Of the options available pursuant to (6) above, you declined to re-open the hearing but pursuant to (c) established a Feb. 20 deadline for all parties to submit argument. Our submittal met that deadline. Further, until you determined in what format you would hear our reconsideration request, we did not know how our arguments should be presented. Our opponents may not like our filing but it was submitted in strict compliance with established procedure.

Respectfully Submitted,

KARR TUTTLE CAMPBELL



By Gary D. Huff  
Counsel for Cingular Wireless

cc: Cingular Wireless  
Erik Olson, PDS  
Mike and Kim Myhre