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IDAHO PUBLIC  
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John Gannon, State Bar No. 1975  
Attorney At Law  
1101 West River, Suite 110  
Boise ID 83702  
Phone: 208-433-0629  
Fax: 208-343-5807

Attorneys Representing Intervenors Meierotto, et al

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION FOR PRICE ) CASE NO. QWE-T-02-25  
DEREGULATION OF BASIC LOCAL )  
EXCHANGE SERVICES )

DIRECT TESTIMONY OF

Gary Neal

on behalf of

Intervenors Meierotto, et al

March 13 , 2003

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**I. INTRODUCTION**

**Q: Please state your name, address, and occupation.**

A. My name is Gary Neal. I am a graduate of the University of Oregon School of Law and I have been an attorney in Boise since 1994. I am a principal attorney with the law firm of Neal & Uhl PLLC located at 1101 West River Street, Boise, Idaho. My firm consists of four attorneys and 6 full or part time support personnel. We emphasize real estate law in our practice, and we also have a debtor and creditor bankruptcy practice.

**Q: Do you have a telephone system in your office, and if so, please describe it.**

A. Yes we do. We buy four business lines from Qwest Communications and they are incorporated into a phone system that has 10 extension phones placed at various locations in the office. The phone system has intercom capabilities, and each of the four lines rolls over. My business also has a Facsimile machine, and each attorney and our runner has a cell phone.

**Q: Please explain what you mean by "rolls over".**

A. I mean that when one business line is in use, and a caller calls on the main number, the caller's call is "rolled over" so that the next line will ring and can be used.

**Q: Have you invested quite a bit of money in this system you have?**

A. Yes. In 2002 we replaced an older system with the new one I am describing. It cost us about \$3245 and should last 10 years. In addition, it required staff time to locate the extensions where we wanted and to tailor the system to each individual's needs. I spent time comparing prices and assessing our needs in connection with the purchase of this system.

**II CELL PHONE EQUIVALENCY**

**Extension Phones**

1           **Q. You stated you have 10 phones on your system. Why so many?**

2           A. Well, each attorney of course needs a phone at the attorneys desk, where the attorney also  
3 has a computer with internet and the DSL feature. Each secretary's station needs a phone and we  
4 have one in our conference room and in our photocopy and break area room. I believe we save  
5 considerable time by having a phone available so that personnel don't have to get up and retrieve  
6 phone calls at a different location. These extensions allow a secretary to cover the phone when the  
7 front desk receptionist is unavailable, and the intercom feature allows communication without leaving  
8 a work station.

9           **Q. Is it necessary that personnel be able to communicate with each other through your**  
10 **phone system?**

11          A. Absolutely necessary. It would be a very ineffective use of personnel time to have people  
12 moving about the office to communicate. The receptionist would be away from the front desk if  
13 messages had to be delivered, and then a secretary would have to cover the phone and be away from  
14 that station delivering a message, and so on. My client service would suffer if clients had to wait for  
15 the receptionist to return from delivering messages. Clearly this would be a very inefficient and  
16 impractical situation.

17          **Q. Do cell phones have a place in your telephone needs?**

18          A. Yes. When firm members are out of the office, usually at the Courthouse, they take cell  
19 phones. We don't "publicize" the cell phone numbers because we only want a very important  
20 communication and really only the secretary and close family members know the number. So once  
21 in awhile the office calls us on the cell phone to let us know, well, for example, that the attorney  
22 should return to the office because the Court hearing being attended has just been canceled by the  
23 Judge.

24          **Q. Why not use cell phones in place of the telephone system you have previously**  
25

1 **described.**

2 A. That would be impossible because cell phones all have their own individual number. I can't  
3 buy 10 cell phones and have the same number ring on each phone. Even if that could happen, how  
4 would those phone numbers transfer and how could I have four phone numbers go into a single phone  
5 unit? If we had 10 cell phones instead of our telephone system there would be 10 phone numbers  
6 and the phone numbers can't be put in one place. If all 10 cell phones were at the receptionists desk,  
7 the receptionist would have to carry each phone to the recipient. This would be a logistical  
8 nightmare. There is no way I could have a common receptionist, and there would have to be many  
9 listings in the phone book.

10 **ROLLOVER LINES**

11 **Q. You referred to the "rollover" feature. Can cell phones satisfy this need?**

12 A. Not at all. Cell phones have individual numbers and I guess you could have some kind  
13 of complex forwarding system if one cell phone was busy. But that isn't what I want or need. I mean,  
14 if the main cell phone line was busy, which cell phone would the incoming call be routed to? That  
15 cell phone might be sitting at a vacant work station, and go unanswered. Meanwhile, assuming there  
16 are 10 cell phone replacements for my extension phone, the other 8 cell phones wouldn't even be  
17 picking up the incoming call.

18 It is totally unrealistic to think a law office could operate this way. I would lose business.  
19 My system has to have the rollover feature.

20 **FACSIMILE MACHINE AND DSL**

21 **Q. You indicated you have a facsimile machine. How important is it to you in your**  
22 **business?**

23 A facsimile machine is absolutely essential to my business. For example, we handle many  
24 property foreclosures and a significant number of the rental evictions in Ada and Canyon County.

25

1 My office receives eviction orders from property managers and clients through this device and we  
2 send process service returns via fax. I note that many title companies, other attorneys and lenders  
3 regularly use the fax process in their dealings with my office.

4 We rely significantly on the fax machine to file documents with Canyon County, where the  
5 Clerk of the Court accepts fax filings. The fax option usually saves our employes from having to  
6 make a trip to Caldwell for urgent Court filings. In fact many County Court Clerks accept fax filings,  
7 including rural counties such as Owyhee County.

8 **Q. You mentioned that the attorneys have the DSL internet feature on their computers**  
9 **in their offices. How important is that feature?**

10 A. Today most attorneys perform on line legal research. This involves being able to rapidly  
11 review many pages of legal opinions and statutes. We also search the internet for public records  
12 information, such as business organization status at the Idaho Secretary of States website. All Federal  
13 Court pleadings are on the internet, and we regularly review them and are required to review them  
14 by individual Federal Judges. The high speed DSL feature is essential for us to be efficient.

15 **Q. Can a cell phone operate these features you have described?**

16 A. No. My fax machine needs a land line to operate. Qwest provides our DSL service and  
17 I am very pleased with it. I have been told however, that it requires a land line to use DSL.

### 18 III LAW OFFICES IN GENERAL

19 **Q. As a small law office practitioner, please describe the bare essentials for any lawyer**  
20 **operating a law practice in this area.**

21 A. A lawyer has to have an office. People don't think you are credible if you work out of  
22 your car or your home. Further, there has to be a location for other attorneys and clients to deliver  
23 important or urgent pleadings and papers.

24 The office has to have a phone, and some kind of person available, whether on contract, part  
25

1 time, or full time, to respond to phone and in person client contacts, as well as to receive pleadings  
2 and documents from other attorneys or the Court. The person providing this assistance needs to have  
3 intercom communication with the lawyer. The office needs a word processor, photocopier access,  
4 a fax machine, internet access and a set of the Idaho Code. This is a bare bones operation, and these  
5 necessities can be shared with other lawyers at one location.

6 **Q. Are you familiar with the operations of other law offices in the Treasure Valley area.**

7 A. Yes. I have visited dozens of law offices and communicated with over a 100 attorneys  
8 from time to time over the last 9 years. I usually visit other offices for depositions, mediations or  
9 just to iron out settlements. One, two and three person law firms, or associations of several  
10 attorneys have multiple lines and extension phones, for all of the reasons I have described. A serious  
11 attorney office needs these features.

12 **Q. Do you have any data which would indicate whether law offices are being run by**  
13 **land lines or cell phones?**

14 A. Yes. At Mr. Gannon's request I generally reviewed the 2002-2003 edition of the Idaho  
15 State Bar Directory and Reference Guide. This publication is prepared by the Bar, which regulates  
16 attorneys in Idaho. Attached are the first few pages (Pages 17-21) of 65 total pages. (Intervenor  
17 Meierotto Exhibit 202). All lawyers have an obligation to keep the State Bar advised of our current  
18 address and phone numbers and then the Bar prepares this publication which is used by lawyers to  
19 locate or communicate with other lawyers.

20 In generally reviewing this publication, I just don't see any prefixes which I would identify  
21 as being cell phone numbers. The Ada County attorneys appear to have land line prefixes.

22 **Q. Are there any lawyers to your knowledge who use cell phones in place of land lines**  
23 **for their business?**

24 A. Again, an active law practice requires the telephone system I have described. Now, I can  
25

1 think of only one lawyer I know who may be using only a cell phone. He recently closed his office  
2 at Rose Hill and Vista, and now he works out of his house. He is winding down his practice. He  
3 plans to go into another area of work, and he isn't taking much new work.

4 **Q. Do most other lawyers use a facsimile machine?**

5 A. Absolutely and this can be verified by looking at the Directory and Reference Guide. It  
6 appears that 95% or more of the attorneys listed have a Fax number.

7 **IV. FUNCTIONAL EQUIVALANT**

8 **Q. Mr. Neal, do you have any evidence that cell phone competition is the functional**  
9 **equivalent of land lines for small businesses such as yours?**

10 A. None. The technology simply isn't there. Further I have a cell phone and they are not as  
11 reliable. There are occasional reception problems or I have forgotten to recharge the battery  
12 sometimes.

13 **V. PUBLIC INTEREST**

14 **Q. You have mentioned that you use Qwest service in several respects. Do you think**  
15 **it is in the public interest to allow Qwest to price small business and residential service without**  
16 **regulation by this Commission.**

17 A. Unfortunately I have to say no, because generally I don't like government regulation.  
18 However, there is no competition because cell phones don't offer the "functional equivalent" of  
19 service, which I understand to be the legal threshold.

20 But just as important for me is that past Qwest actions with regard to my bill indicate some  
21 unreasonableness in their approach to customers and this makes me uncomfortable with them having  
22 an unregulated monopoly.

23 My staff and my family don't have the time to scrutinize Qwest billings, and we have to really  
24 trust Qwest and other companies to be fair. But in December, 2001, my wife noticed a long distance  
25

1 charge on my home bill for \$17.10 for a 4 minute collect call. (Exhibit 203). I believe I personally  
2 used an Albertson's pay phone. This kind of charge is clearly unreasonable, and we contacted Qwest.  
3 Customer Service who said the bill had to be paid, and we should contact something called Zero Plus.  
4 I may have eventually even inquired at the PUC.

5 But my wife is a busy attorney with Hewlett Packard and we have two small children. We  
6 don't have the time to deal with this and the bill was paid, but we were very unhappy. Qwest is  
7 collecting the bill and should have some responsibility for the accounts they collect and this was very  
8 unfair.

9 I have heard frequent other complaints regarding billing issues from many people. Qwest  
10 should improve their customer relationships and then they will have more land lines and more profit.  
11 After that experience my family wanted to use another provider, such as cell phones, but we need  
12 a land line at home because we need an extension phone in our 2000 square foot home. So relying  
13 on a cell phone at home isn't a good option for us.

## 14 VI. CONCLUSION AND RECOMMENDATION

### 15 Q. WHAT IS YOUR RECOMMENDATION TO THIS COMMISSION

16 A.

17 1. The commission should regulate land line usage in Idaho for small business because there  
18 is no functional equivalent cell phone technology available. Residential regulation should continue  
19 because of the need for extension phones in the home and the need for one central line.

20 2, Qwest should receive a reasonable rate of profit from the business and residential line  
21 services it provides and Qwest can do so by improving its customer relations, so that people want to  
22 use the Company services. I believe the Commission should implement a very informal mandatory  
23 arbitration program to resolve billing and service disputes to help Qwest improve its customer service  
24 and increase its bottom line profit.

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1           3. Competition should be encouraged for local service as I understand that in other states such  
2 competition exists.

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# The Advocate

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## Directory and Reference Guide 2002-2003

### Special Directory Issue

- Attorney Roster
- Attorney Fields of Practice
- Federal & State Courts
- Rules of Professional Conduct
- Bar Commission Rules
- Bar & Foundation Programs & Forms
- Section and Committee Information
- Service Provider Yellow Pages

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# Membership Roster

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QWE-T-02-25  
G. Neal (DI) - INTER  
March 19, 2003

**Aanestad, Douglas James**  
Speck & Aanestad  
PO Box 987  
Ketchum, ID 83340  
Phone: (208) 726-4421  
Fax: (208) 726-0752  
Email: aanestad@cox-internet.com  
Status: Active

**Abbott, Willard R.**  
Office of the Attorney General  
PO Box 83720  
Boise, ID 83720-0036  
Phone: (208) 345-5537  
Fax: (208) 345-5548  
Status: Active

**Abercrombie, Robert A.**  
Abercrombie Law Offices  
3719 SE Hawthorne Blvd.  
PMB 286  
Portland, OR 97214  
Phone: (503) 233-9585  
Fax: (503) 233-9585  
Email: rabercrombielaw@aol.com  
Status: Affiliate

**Acevedo, Daniel R.**  
298 West Bridge  
Blackfoot, ID 83221  
Phone: (208) 785-7171  
Fax: (208) 785-7077  
Status: Active

**Ackley, David Charles**  
PO Box 148  
Powell, WY 82435  
Phone: (307) 645-3327  
Email: dackley@nemontel.net  
Status: Affiliate

**Ackley, Mark James**  
Idaho State Appellate Public  
Defender  
3380 Americana Terrace  
Suite 360  
Boise, ID 83706  
Phone: (208) 334-2712  
Fax: (208) 334-2985  
Email: mackley@sapd.state.id.us  
Status: Active

**Adair, Linnea Katherine**  
Bjork Lawrence  
179 Samaria Lane  
Oakland, CA 94619  
Phone: (510) 832-8134  
Fax: (510) 832-0461  
Status: Affiliate

**Adams, Fred M.**  
535 9th Street  
Idaho Falls, ID 83404-5070  
Phone: (208) 522-2200  
Fax: (208) 522-2201  
Email: adamslaw@srv.net  
Status: Active

**Adams, Janine Patrice**  
Hawley Troxell Ennis & Hawley, LLP  
PO Box 1617  
Boise, ID 83701-1617  
Phone: (208) 344-6000  
Fax: (208) 342-3829  
Email: jpa@hteh.com  
Status: Active

**Adams, John Michael**  
Kootenai County Public Defender's  
Office  
PO Box 9000  
Coeur d'Alene, ID 83816-9000  
Phone: (208) 664-1347  
Fax: (208) 769-4475  
Status: Active

**Adams, Mary Durham**  
2120 South O Street  
Fort Smith, AR 72901  
Phone: (501) 782-3371  
Status: Affiliate

**Adams, Nathaniel Keene**  
1608 Plaza Drive  
Post Falls, ID 83854-7775  
Phone: (208) 773-5712  
Email: n1g2adams@aol.com  
Status: Out of State Active

**Adams, Randall Richmond**  
Quane Smith, LLP  
PO Box 1758  
Coeur d'Alene, ID 83816  
Phone: (208) 664-9281  
Fax: (208) 664-5380  
Email: rradams@quanesmith.net  
Status: Active

**Adamson, Dannis Marlon**  
Dannis M. Adamson, Attorney at Law  
PO Box 5681  
Pocatello, ID 83202  
Phone: (208) 232-0000 Ext: 103  
Fax: (208) 238-0460  
Email: dan@nwbeccorp.com  
Status: Active

**Adema, Rene Michelle Lynne**  
Hawley Troxell Ennis & Hawley, LLP  
PO Box 1617  
Boise, ID 83701  
Phone: (208) 388-4888  
Fax: (208) 342-3829  
Email: rade@hteh.com  
Status: Active

**Adkins, Howard Ernest**  
3642 B North 2500 East  
Twin Falls, ID 83301-0192  
Phone: (208) 733-1797  
Status: Active

**Adlard, John F.**  
Bullivant Houser Bailey  
1220 Main Street  
Suite 300  
Vancouver, WA 98660  
Phone: (360) 693-2424  
Fax: (360) 695-8504  
Email: john.adlard@bullivant.com  
Status: Out of State Active

**Adler, Kenneth Paul**  
1500 Highway 2  
Suite 220  
Sandpoint, ID 83864  
Phone: (208) 263-8024  
Fax: (208) 265-6731  
Email: adlerlaw@netw.com  
Status: Active

**Agidius, Paul Clinton**  
PO Box 9341  
Moscow, ID 83843  
Phone: (208) 882-0523  
Status: Active

**Aguirre, Barbara Lederer**  
University of California at Davis  
Human Resources  
One Shields Avenue  
Davis, CA 95616-8672  
Phone: (916) 758-9259  
Email: blaquirre@ucdavis.edu  
Status: Affiliate

**Aherin, Darrel William**  
Aherin, Rice & Anegon  
PO Drawer 698  
1212 Idaho Street  
Lewiston, ID 83501  
Phone: (208) 746-3646  
Fax: (208) 746-3650  
Email: araoffice@valley-internet.net  
Status: Active

**Ahlstrom, Douglas James**  
Tooele County Corporation  
364 Millcreek Way  
Tooele, UT 84074  
Phone: (435) 843-3120  
Fax: (435) 843-3127  
Email: dahlstrom@co.tooele.ut.us  
Status: Affiliate

**Ahrend, George M.**  
Randall & Danskin, PS  
1500 Bank of America Fin. Cntr  
601 W. Riverside Avenue  
Spokane, WA 99201  
Phone: (509) 747-2052  
Fax: (509) 624-2528  
Email: gma@randanco.com  
Status: Out of State Active

**Ahrens, Edward Duane**  
Ahrens & DeAngeli, PLLC  
1001 Fourth Avenue Plaza  
Suite 4333  
Seattle, WA 98154  
Phone: (206) 652-0101  
Fax: (206) 223-2230  
Status: Out of State Active

**Ahrens, Jane Elizabeth Zagelow**  
Federal Reserve Board  
1661 Crescent Place NW  
#602  
Washington, DC 20009  
Phone: (202) 452-3667  
Fax: (202) 452-3849  
Email: jane.ahrens@frb.gov  
Status: Affiliate

**Aiken, Conrad Joseph**  
Racine, Olson, Nye, Budge & Bailey,  
Chtd.  
101 S. Capital Blvd.  
Suite 202  
Boise, ID 83702  
Phone: (208) 395-0011  
Fax: (208) 433-0167  
Email: cja@racinelaw.net  
Status: Active

**Alban, Richard Lawrence**  
PO Box 1059  
Nampa, ID 83653  
Phone: (208) 466-6781  
Fax: (208) 466-3529  
Status: Active

**Albers, Dennis Lynn**  
PO Box 314  
Grangeville, ID 83530  
Phone: (208) 983-2310  
Fax: (208) 983-1401  
Status: Active

**Albers, Kimberly Jo**  
1831 Federal Ave., #15  
Los Angeles, CA 90025  
Phone: (310) 444-9877  
Email: kalbers55@hotmail.com  
Status: Out of State Active

**Albert, Brenda Elaine**  
Fireman's Fuhd Ins. Co.  
One Market, Spear St. Tower  
10th Floor  
San Francisco, CA 94105  
Phone: (415) 541-4386  
Status: Affiliate

**Alderman, James Blair**  
Hall, Farley, Oberrecht & Blanton,  
PA  
PO Box 1271  
Boise, ID 83701  
Phone: (208) 395-8500  
Fax: (208) 395-8585  
Email: jxa@hallfarley.com  
Status: Active

**Aldrich, James G.**  
Aldrich Law Office  
PO Box 801  
Soda Springs, ID 83276  
Phone: (208) 547-4509  
Fax: (208) 547-4509  
Email: aldrichlaw@justice.com  
Status: Active

**Aldridge, Robert L.**  
Robert L. Aldridge, Chartered  
1209 North 8th Street  
Boise, ID 83702-4297  
Phone: (208) 336-9880  
Fax: (208) 336-9882  
Email: raldridge@hotmail.com  
Status: Active

**Alegria, Joseph John II**  
Law Office of John Alegria  
4090 West State Street  
Suite 100  
Boise, ID 83703  
Phone: (208) 344-7670  
Fax: (208) 344-4518  
Email: JJAILLAW@aol.com  
Status: Active

**Alexander, David Edward**  
Racine, Olson, Nye, Budge & Bailey,  
Chtd.  
PO Box 1391  
Pocatello, ID 83204-1391  
Phone: (208) 232-6101  
Fax: (208) 232-6109  
Email: dea@racinelaw.net  
Status: Active

**Alexander, John Robert**  
Benoit, Alexander, Harwood, High &  
Butler, LLP  
PO Box 366  
Twin Falls, ID 83303-0366  
Phone: (208) 733-5463  
Fax: (208) 734-1438  
Email: alexander@benoitlaw.com  
Status: Active

**Alexander, Nicholes Gene**  
Lovon Roker, PA  
717 S. Kimball  
Suite 200  
Caldwell, ID 83605  
Phone: (208) 459-6795  
Fax: (208) 459-6908  
Status: Active

**Alexanderson, Robert L.**  
Alexanderson, Davis, Rainey &  
Whitney  
2301 Hillway Drive  
Boise, ID 83702  
Phone: (208) 459-3659  
Fax: (208) 345-6050  
Status: Active

**Alford, Nathan Hahn**  
TPC Holdings, Inc.  
504 North Hayes  
Moscow, ID 83843  
Phone: (208) 743-9411  
Fax: (208) 746-7341  
Email: nalford@lmtribune.com  
Status: Active

**Alidjani, Fafa**  
Ada County Prosecutor's Office  
200 W. Front Street  
Room 3191  
Boise, ID 83702  
Phone: (208) 287-7700  
Fax: (208) 287-7709  
Status: Active

**Allis, Richard Craig**  
1852 N. Princeton Way  
Eagle, ID 83616  
Phone: (208) 939-7082  
Status: Active

Attorney List  
EXHIBIT NO 202  
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QWE-T-02-25  
G. Neal (DI) - INTER  
March 19, 2003

**Alkire, Steven E.**  
Alkire & Co., PLLC  
205 N. Tenth Street  
Suite 300  
Boise, ID 83702  
Phone: (208) 338-7601  
Fax: (208) 342-7672  
Email: alkire@alkirelaw.com  
Status: Active

**Allen, Elizabeth Marie**  
Area Agency on Aging  
731 Burrell Avenue  
Lewiston, ID 83501  
Phone: (208) 743-5580 Ext: 210  
Email: e.allen@caanid.org  
Status: Active

**Allen, Gary Guerdum**  
Givens Pursley, LLP  
PO Box 2720  
Boise, ID 83701  
Phone: (208) 388-1200  
Fax: (208) 388-1300  
Email: gga@givenspursley.com  
Status: Active

**Allen, Jared Wayne**  
Beard St. Clair Galtney McNamara  
Calder, PA  
2105 Coronado Street  
Idaho Falls, ID 83404-7495  
Phone: (208) 523-5171  
Fax: (208) 529-9732  
Email: allen@idahofallslaw.com  
Status: Active

**Allen, Keller Wayne**  
Allen & McLane, PC  
421 W. Riverside  
Suite 421  
Spokane, WA 99201  
Phone: (509) 777-2211  
Fax: (509) 777-2215  
Email: kwa@allenmclane.com  
Status: Out of State Active

**Allen, Lawrence Gale**  
Office of the Attorney General  
PO Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7530  
Fax: (208) 334-7844  
Email: lallen@tax.state.id.us  
Status: Active

**Allington, Frederick C.**  
Frederick C. Allington, Attorney at Law  
115 Second Avenue South  
Hailey, ID 83333  
Phone: (208) 788-7802  
Fax: (208) 788-7901  
Email: allington@mindspring.com  
Status: Active

**Allison, Brett Paul**  
Bonneville County Prosecutor's  
Office  
605 N. Capital  
Idaho Falls, ID 83404  
Phone: (208) 529-1348 Ext: 1348  
Fax: (208) 529-1189  
Email: ballison@co.bonneville.id.us  
Status: Active

**Allison, John D.**  
Eymann Allison Fennessy Hunter  
Jones PS  
601 West Main Avenue  
Suite 801  
Spokane, WA 99201-0613  
Phone: (509) 747-0101  
Fax: (509) 458-0977  
Email: jdallison@eahjlaw.com  
Status: Out of State Active

**Allyn, Kathleen Phillips**  
Department of Health & Welfare  
PO Box 83720  
Boise, ID 83720-0036  
Phone: (208) 334-5747  
Status: Affiliate

**Alsaker-Burke, Debra Jean**  
PMB #413  
967 E. Park Center Blvd.  
Boise, ID 83706-6700  
Phone: (208) 344-5993  
Fax: (208) 344-0677  
Email: dburke2@mindspring.com  
Status: Active

**Alltig, Stephanie Anne**  
Office of the Attorney General  
1299 N. Orchard  
Suite 110  
Boise, ID 83706  
Phone: (208) 658-2097  
Fax: (208) 327-7485  
Status: Active

**Amaro, Rami**  
Rami Amaro, Attorney at Law  
1424 Sherman Ave.  
Suite 200  
Coeur d'Alene, ID 83814  
Phone: (208) 667-4002  
Fax: (208) 667-9992  
Email: amarolaw@msn.com  
Status: Active

**Amberson, Thomas B.**  
Whitehead, Amberson & Caldwell  
PO Box 1319  
Coeur d'Alene, ID 83816-1319  
Phone: (208) 765-5291  
Fax: (208) 765-6895  
Email: tamberson@dmi.net  
Status: Active

**Ambrose, Tom N.**  
16103 NE 172nd Way  
Brush Prairie, WA 98606-6309  
Phone: (360) 883-0630  
Fax: (360) 883-0618  
Status: Out of State Active

**Amendola, Gary L.**  
Walker Rines & Amendola, PLLC  
702 N. Fourth Street  
Suite 200  
Coeur d'Alene, ID 83814  
Phone: (208) 664-8225  
Fax: (208) 765-1046  
Email: gary@wralawoffice.com  
Website: www.wralawoffice.com  
Status: Active

**Ampe, Peter J.**  
Colorado Attorney General's Office  
1525 Sherman Street  
5th Floor  
Denver, CO 80203  
Phone: (303) 866-4500  
Fax: (303) 866-3558  
Email: peter.ampe@state.co.us  
Status: Affiliate

**Andersen, Charles Matthew**  
Winston & Cashatt  
1900 Bank of America Fin. Ctr  
Spokane, WA 99201  
Phone: (208) 667-2103  
Fax: (208) 765-2121  
Email: cma@winstoncashatt.com  
Status: Out of State Active

**Andersen, Clayton George**  
Kootenai County Public Defender's  
Office  
PO Box 9000  
Coeur d'Alene, ID 83816-9000  
Phone: (208) 664-1347  
Fax: (208) 769-4475  
Status: Out of State Active

**Andersen, F. Dayle Jr.**  
PHELPS & ASSOCIATES  
2903 N. Stout Road  
Spokane, WA 99206  
Phone: (509) 892-0467  
Fax: (509) 921-0802  
Email: dayleanderson@lawyer.com  
Status: Out of State Active

**Andersen, Steven Blaine**  
Holland & Hart, LLP  
PO Box 2527  
Boise, ID 83701  
Phone: (208) 342-5000  
Fax: (208) 343-8869  
Email: sandersen@hollandhart.com  
Status: Active

**Anderson, Bruce Alan**  
Elsaesser Jarzabek Anderson Marks  
& Elliott, Chtd.  
PO Box 1049  
Sandpoint, ID 83864  
Phone: (208) 263-8517  
Fax: (208) 263-0759  
Email: brucea@ejame.com  
Status: Active

**Anderson, Douglas P.**  
Louisiana Pacific Corporation  
PO Box 4000-98  
Hayden Lake, ID 83835  
Phone: (208) 772-6011 Ext: 206  
Fax: (208) 772-1712  
Email: douglas.anderson@lpcorp.com  
Status: Active

**Anderson, Hollis Jane**  
416 Sixth Street  
Wallace, ID 83873  
Phone: (208) 752-1271  
Fax: (208) 556-3411  
Status: Active

**Anderson, Hon. Gregory Scott**  
Seventh District Court  
605 N. Capital Ave  
Idaho Falls, ID 83402  
Phone: (208) 529-1350 Ext: 1326  
Fax: (208) 529-1300  
Email: ganderso@co.bonneville.id.us  
Status: Judge

**Anderson, Kenneth Larry**  
Towne Square, Ste. 330  
504 Main St.  
Lewiston, ID 83501  
Phone: (208) 743-9569  
Fax: (208) 746-5866  
Email: ken@kanderson.com  
Website: www.kanderson.com  
Status: Active

**Anderson, Kevin Egan**  
Parry Anderson & Mansfield  
60 E. South Temple  
Suite 1270  
Salt Lake City, UT 84111  
Phone: (801) 521-3434  
Fax: (801) 521-3484  
Status: Out of State Active

**Anderson, Kirk James**  
Labrador Law Offices, PC  
5700 East Franklin Road  
Suite 100  
Nampa, ID 83657  
Phone: (208) 465-9988  
Fax: (208) 465-9893  
Status: Active

**Anderson, Lanny LaMont**  
Office of the Attorney General  
PO Box 83720  
Boise, ID 83720-0010  
Phone: (208) 334-4542  
Fax: (208) 334-2942  
Email: landerso@ag.state.id.us  
Status: Active

**Anderson, Larry Daniel**  
Albertson's Inc.  
Legal Department  
PO Box 20  
Boise, ID 83726  
Phone: (208) 395-4796  
Fax: (208) 395-6021  
Email: larry\_anderson@albertsons.com  
Status: House Counsel

**Anderson, Marty Ray**  
Hopkins Roden Crockett Hansen &  
Hoopes, PLLC  
PO Box 51219  
Idaho Falls, ID 83405-1219  
Phone: (208) 523-4445  
Fax: (208) 523-4474  
Email: marty@hrchh.com  
Website: www.hrchh.com  
Status: Active

**Anderson, Michael Corey**  
Kootenai County District Court  
PO Box 9000  
Coeur d'Alene, ID 83816-9000  
Phone: (208) 666-8352  
Fax: (208) 665-9849  
Email: manderson@co.kootenai.id.us  
Status: Active

**Anderson, Michael Marshall**  
303 W. Mendenhall  
Bozeman, MT 59715  
Phone: (406) 587-4254  
Fax: (406) 586-0754  
Status: Affiliate

**Anderson, Peter Rudge**  
729 W. Braemere Road  
Boise, ID 83702  
Phone: (208) 336-7020  
Fax: (208) 395-0222  
Email: pranderson@whitties.org  
Status: Active

**Anderson, Randy S.**  
Merrill Lynch  
PO Box 7219  
Boise, ID 83707-1219  
Phone: (208) 338-3196  
Fax: (208) 338-3153  
Email: rsanderson@pclient.ml.com  
Status: Affiliate

**Anderson, Richard J. T.**  
Anderson Law Offices  
PO Box 1655  
Boise, ID 83701  
Phone: (208) 383-0228  
Fax: (208) 383-0228  
Email: rjtao@aol.com  
Status: Active

**Anderson, Robert Allan**  
Anderson, Julian & Hull, LLP  
PO Box 7426  
Boise, ID 83707  
Phone: (208) 344-5800  
Fax: (208) 344-5510  
Email: raanderson@ajhlaw.com  
Status: Active

**Anderson, Shawn**  
PO Box 95  
Pocatello, ID 83204  
Phone: (208) 234-7137  
Status: Active

**Anderson, Terry Lynn**  
Regence Blue Shield of Idaho  
1211 W. Myrtle  
Suite 110  
Boise, ID 83702  
Phone: (208) 395-7716  
Fax: (208) 333-7873  
Email: txanders@regence.com  
Status: Active

**Anderson, Warren Joseph**  
Anderson Nelson Hall Smith, PA  
PO Box 51630  
Idaho Falls, ID 83405  
Phone: (208) 522-3001  
Fax: (208) 523-7254  
Status: Active

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QWE-T-02-25  
G. Neal (DI) - INTER  
March 19, 2003

**Anderson, William Eugene**  
Anderson & Walker  
PO Box 8447  
Moscow, ID 83843  
Phone: (208) 882-4536  
Fax: (208) 882-4580  
Email: and-walker@moscow.com  
Website:  
www.andersonandwalker.com  
Status: Active

**Andrade, Maria Elena**  
Oregon Law Center  
2449 SW 4th Avenue  
Suite 208  
Ontario, OR 97914  
Phone: (541) 889-3121  
Fax: (541) 889-5562  
Email: mariaeandrade@hotmail.com  
Status: Active

**Andrew, John Scott**  
Bingham County Prosecutor's Office  
501 N. Maple, #302  
Blackfoot, ID 83221  
Phone: (208) 785-5005 Ext: 316  
Fax: (208) 785-5199  
Email: sandrew@co.bingham.id.us  
Status: Active

**Andrews, Bradley George**  
Jones Gledhill Hess Andrews  
Fuhrman Bradbury & Eiden, PA  
PO Box 1097  
Boise, ID 83701  
Phone: (208) 331-1170  
Fax: (208) 331-1529  
Email: bandrews@idalaw.com  
Status: Active

**Andrews, Jeffrey Howard**  
Andrews & Smith  
607 E. Lakeside Avenue  
Coeur d'Alene, ID 83814-2840  
Phone: (208) 667-2000  
Fax: (208) 765-9110  
Status: Active

**Andrus, Gaylon Rich**  
Rigby, Thatcher, Andrus, Rigby,  
Kam & Moeller  
PO Box 250  
Rexburg, ID 83440  
Phone: (208) 356-3633  
Fax: (208) 356-0768  
Status: Active

**Andrus, Reed E.**  
Hopkins Roden Crockett Hansen &  
Hoopes, PLLC  
PO Box 51219  
Idaho Falls, ID 83405-1219  
Phone: (208) 523-4445  
Fax: (208) 523-4474  
Email: reed@hrchh.com  
Website: www.hrchh.com  
Status: Active

**Anegon, Anthony Christopher**  
Aherin, Rice & Anegon  
PO Drawer 698  
Lewiston, ID 83501  
Phone: (208) 746-3646  
Fax: (208) 746-3650  
Email: araoffice@valley-internet.net  
Status: Active

**Angstman, Thomas James**  
Angstman Law, PLLC  
500 West Bannock Street  
Boise, ID 83702  
Phone: (208) 384-8588  
Fax: (208) 342-6553  
Email: tj@angstman.com  
Status: Active

**Annan, Edgar L.**  
Annan & Fairley  
Corbin Mansion Marycliff Centr  
W. 815 Seventh Avenue  
Spokane, WA 99204-2839  
Phone: (509) 456-3530  
Fax: (509) 456-0955  
Status: Out of State Active

**Annest, James**  
PO Box 686  
Burley, ID 83318  
Phone: (208) 678-7783  
Fax: (208) 678-4549  
Status: Active

**Anson, Edward Joseph**  
Witherspoon, Kelley, Davenport &  
Toole, PS  
608 Northwest Blvd.  
Suite 401  
Coeur d'Alene, ID 83814-2146  
Phone: (208) 667-4000  
Fax: (208) 667-8470  
Status: Active

**Anthon, Brett Carl**  
Wiebe & Fouser, PA  
PO Box 606  
Caldwell, ID 83606-0606  
Phone: (208) 453-1300 Ext: 3012  
Fax: (208) 454-0136  
Status: Active

**Anton, Donald Kris**  
Australian Centre for Environmental  
Law  
Australian National University  
Canberra, ACT 0200  
AUSTRALIA  
Phone: 01161261252516  
Fax: 01161261254899  
Email: antond@law.anu.edu.au  
Status: Affiliate

**Apel, Edwin Victor Jr.**  
Washington Group International, Inc.  
PO Box 73  
Boise, ID 83729  
Phone: (208) 386-5010  
Fax: (240) 376-8199  
Email: win.apel@wgint.com  
Status: Active

**Appleton, William Mark**  
924 Sherman Avenue  
Coeur d'Alene, ID 83814  
Phone: (208) 666-2518  
Status: Active

**Archibald, Lane R.**  
PO Box 51156  
Idaho Falls, ID 83405-1156  
Phone: (208) 523-6660  
Fax: (208) 524-6072  
Email: blt@pcf.net  
Status: Active

**Archibald, R. James**  
Grover & Archibald  
PO Box 36  
Rigby, ID 83442  
Phone: (208) 745-6653  
Fax: (208) 745-6655  
Status: Active

**Argyle, Theodore Everett**  
Ada County Prosecutor's Office  
200 W. Front Street  
Room 3191  
Boise, ID 83702  
Phone: (208) 287-7700  
Fax: (208) 287-7719  
Email: teda@adaweb.net  
Status: Active

**Arkoosh, Charles Thomas**  
Arkoosh & James, LLP  
PO Box 32  
Gooding, ID 83330  
Phone: (208) 934-8872  
Fax: (208) 934-8873  
Email: alo@mindspring.com  
Status: Active

**Arkoosh, John Cromwell**  
Office of Hearings & Appeals  
Social Security  
1249 S. Vinnal Way  
Boise, ID 83709  
Phone: (208) 321-2950  
Fax: (208) 321-2999  
Email: john.arkoosh@ssa.gov  
Status: Affiliate

**Armbruster, Ryan Peter**  
Elam & Burke  
PO Box 1539  
Boise, ID 83701  
Phone: (208) 343-5454  
Fax: (208) 384-5844  
Email: rpa@elamburke.com  
Status: Active

**Arment, Kenneth Robert**  
PO Box 301  
Donnelly, ID 83615  
Phone: (208) 382-6350  
Email: armentiaaw@aol.com  
Status: Active

**Armitage, Stephen Paul**  
Oregon Supreme Court  
1163 State Street  
Salem, OR 97310  
Phone: (503) 986-7023  
Status: Affiliate

**Armstrong, Howard Leroy**  
13244 W. Trailcreek  
Pocatello, ID 83204  
Phone: (208) 232-5812  
Email: luv4tr@earthlink.net  
Status: Affiliate

**Armstrong, Richard John**  
Wood Crapo  
500 Eagle Gate Tower  
60 E. South Temple, Ste. 500  
Salt Lake City, UT 84111  
Phone: (801) 366-6060  
Fax: (801) 366-6061  
Email: rjarmstrong@woodcrapo.com  
Status: Out of State Active

**Armstrong, Roger Doyle**  
Easterly & Armstrong  
603 Pine Street  
Elko, NV 89801  
Phone: (775) 738-9877  
Fax: (775) 753-8600  
Status: Affiliate

**Armstrong, Shelley W.**  
Ada County Prosecutor's Office  
200 W. Front Street  
Room 3191  
Boise, ID 83702  
Phone: (208) 287-7700  
Fax: (208) 287-7709  
Status: Active

**Arnold, Elaine Alice**  
Blue Cross of Idaho  
PO Box 7408  
Boise, ID 83707-1408  
Phone: (208) 331-7547  
Fax: (208) 331-7320  
Email: eamold@bcidaho.com  
Status: Active

**Arnold, James C.**  
Peterson, Parkinson & Arnold, PLLC  
PO Box 1645  
Idaho Falls, ID 83403-1645  
Phone: (208) 522-5200  
Fax: (509) 522-8547  
Email: jcamold@pcf.net  
Status: Active

**Arnold, Rebecca Williams**  
Albertson's Inc.  
PO Box 20  
Boise, ID 83726  
Phone: (208) 395-5993  
Fax: (208) 395-6575  
Email:  
rebecca\_arnold@albertsons.com  
Status: Active

**Arnold, Steven Preston**  
Micron Technology, Inc.  
8000 S. Federal Way  
Boise, ID 83707-0006  
Phone: (208) 368-3443  
Fax: (208) 368-4540  
Email: sparnold@micron.com  
Status: House Counsel

**Arnold, Steven Wayne**  
Arnold Law Offices  
3710 Cabarton  
Boise, ID 83704  
Phone: (208) 342-8686  
Fax: (208) 322-7482  
Status: Active

**Arnold, William Harry**  
Albertson's Inc.  
PO Box 20  
Boise, ID 83726  
Phone: (208) 395-6208  
Fax: (208) 395-6575  
Status: Active

**Arrington, Ronald Kay**  
General Electric Capital Corporation  
1500 Keegan Court  
Columbia, MO 65203  
Phone: (573) 449-6099  
Status: Affiliate

**Arslanian, James Lund**  
Shilo Automatic Sprinkler, Inc.  
1404 First Street North  
Nampa, ID 83687  
Phone: (208) 466-0006  
Fax: (208) 466-7890  
Status: Active

**Asay, Brent Ellis**  
Utah Labor Commission  
620 East 400 North  
Bountiful, UT 84010  
Phone: (801) 530-6802  
Fax: (801) 530-7609  
Status: Affiliate

**Asay, Don Al**  
7228 Custer Rd  
Fruitland, ID 83619-3611  
Status: Active

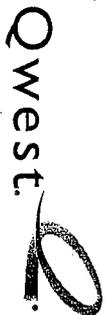
**Asclone, Patrick J.**  
Asclone & Heideman, LLC  
PO Box 600  
Provo, UT 84603  
Phone: (801) 812-1000  
Fax: (801) 374-1724  
Status: Out of State Active

**Ashby, Wells B.**  
Twin Falls County Public Defender's  
Office  
PO Box 126  
Twin Falls, ID 83303-0126  
Phone: (208) 734-1155  
Fax: (208) 734-1161  
Status: Active

**Ashcraft, Larry Clint**  
Ashcraft & Miller, PLLC  
PO Box 506  
Mountain Home, ID 83647  
Phone: (208) 587-9797  
Fax: (208) 587-7005  
Email: tab2@rmci.net  
Status: Active

**Askew, John Scott**  
13962 S. Wild Hay Circle  
Draper, UT 84020  
Phone: (801) 571-3224  
Email: jsaskew@aol.com  
Status: Affiliate

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G. Neal (DI) - INTER  
March 19, 2003



GARY & RAMONA NEAL  
 Bill Date: Nov 28, 2001  
 Account No: 208-378-7457-622R

www.qwest.com

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$ .00	\$68.78	\$68.78	Dec 20, 2001

## Account Summary

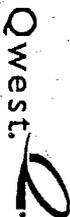
▼ Previous Balance Charges Payment Balance Forward 44.38  
 Thank you for your payment 44.38  
 \$ .00

▼ New Charges For questions, call:  
 Qwest Billing 1-800-339-3929 30.15  
 MCI WorldCom Sales and Service 1-800-244-1111 21.02  
 ZERO PLUS DIALING INC 1-800-444-3333 17.61  
 Total New Charges 1-888-511-0734 \$68.78

TOTAL AMOUNT DUE \$68.78

Qwest's IntraLATA 1-800 Calling Card rates have changed in some states. Calls placed outside your local calling area may vary. Visit our web site for information on our rates at www.qwest.com/residential.

Qwest, PO Box 173754, Denver, CO 80217-3754  
 Visit us 24 hours a day at www.qwest.com.



For billing questions, call 1-800-339-3929  
 For sales and service questions, call 1-800-244-1111  
 The best days to call are Tuesday through Friday

Page 2

### QWEST LOCAL SERVICES

#### ▼ ITEMIZED MONTHLY SERVICE

BASIC SERVICES  
 These services are necessary for you to use your telephone.  
 1 RESIDENCE LINE 17.50  
 1 FEDERAL CHARGE - SERVICE .43  
 PROVIDER NUMBER PORTABILITY  
 TOTAL 17.93

#### ▼ MONTHLY SERVICE

MONTHLY SERVICE - NOV 28 THRU DEC 27 17.93  
 FEDERAL ACCESS CHARGE 5.00  
 FEDERAL UNIVERSAL SERV FUND .56  
 IDAHO TELECOMMUNICATIONS SERVICE ASSISTANCE PROGRAM .05  
 STATE UNIVERSAL SERVICE FUND 1.0  
 911 SURCHARGE .75  
 SUBTOTAL \$24.39

#### ▼ PAY-PER-USE SERVICES

NO.	DATE	TIME	SERVICE	AMOUNT
1	OCT 30	6:44P	CONTINUOUS REDIAL ACTIVATION	.95
2	NOV 14	2:07P	LAST CALL RETURN ACTIVATION	.95

#### ▼ PAY-PER-USE SUMMARY

LAST CALL RETURN (\*69) IS FREE AFTER 8 ACTIVATIONS PER LINE  
 208 378-7457 1 ACTIVATIONS AT \$.95 PER ACTIVATION  
 CONTINUOUS REDIAL (\*66) IS FREE AFTER 8 ACTIVATIONS PER LINE  
 208 378-7457 1 ACTIVATIONS AT \$.95 PER ACTIVATION  
 SUBTOTAL 1.90

#### ▼ TAX SUMMARY

FEDERAL EXCISE TAX .77  
 SUBTOTAL \$7.77

#### QWEST LOCAL SERVICES

\$27.06

### \* QWEST UNREGULATED SERVICES

#### ▼ ITEMIZED MONTHLY SERVICE

OPTIONAL SERVICES  
 These services are provided at your request and are not required as part of your basic telephone service.  
 1 CALL FORWARDING 3.00  
 TOTAL 3.00

#### ▼ MONTHLY SERVICE

MONTHLY SERVICE - NOV 28 THRU DEC 27 3.00  
 SUBTOTAL \$3.00

#### ▼ TAX SUMMARY

FEDERAL EXCISE TAX .09  
 SUBTOTAL \$3.09

#### QWEST UNREGULATED SERVICES

\$3.09

### FOR YOUR INFORMATION

You are responsible for the payment of all charges on your bill. Failure to pay these charges may result in collection action as well as termination of the unpaid service. Your basic telephone service will not be disconnected for non-payment of charges for:  
 (1) Qwest Unregulated Services for other itemized services identified by an \* above, (2) services of other Qwest companies, or (3) services of other companies included in your bill.  
 Qwest packages of features and the amounts in the Account Summary may include both basic and charges that are not basic.

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G. Neal (DD) - INTER  
 March 19, 2003

This bill is protected by one or more of the following U.S. Patents:  
 Des. 385,298; 390,599; 5,845,942; and 5,951,052.

COI

ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
1	NOV 21	5:53P	BOISE ID	208 378-7457	G	4	17.10
			COLLECT FROM BOISE ID	208 383-9791			
			SUBTOTAL			17.10	

ZERO PLUS DIALING INC SUBTOTAL OF ITEMIZED CALLS \$17.10

TAX SUMMARY

FEDERAL EXCISE TAX	ZERO PLUS DIALING INC SUBTOTAL OF TAXES	.51
	ZERO PLUS DIALING INC CURRENT CHARGES	\$17.61

Type of Long Distance Calls:  
 G - Evening Station - Operator or Calling Card - Discount Rate

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO ZERO PLUS DIALING INC. THERE IS NO CONNECTION BETWEEN ZERO PLUS DIALING INC. AND OWEST CHARGES FOR IN-STATE LONG DISTANCE CALLS AND OPERATOR SERVICES ARE NOT REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION.

