

Joseph B. McNeal  
dba PageData  
PO Box 15509  
Boise, ID 83715  
Telephone: (208) 375-9844  
Attorney Pro Se

RECEIVED   
FILED   
2004 AUG 11 AM 10: 11  
IDAHO PUBLIC  
UTILITIES COMMISSION

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

APPLICATION OF JOSEPH B. MCNEAL )	CASE NO. QWE-T-03-6
DBA PAGEDATA FOR APPROVAL OF )	
THE PAGING CONNECTION )	REVISED APPLICATION FOR
AGREEMENT FOR THE STATE OF )	APPROVAL OF AMENDMENT
IDAHO PURSUANT TO 47 U.S.C. § 252(I) )	TO THE PAGING AGREEMENT
_____ )	

Joseph B. McNeal dba PageData hereby files this Revised Application for Approval of Amendment to the Paging Agreement (“Amendment”), which was approved by the Idaho Public Utility Commission on February 25, 2003 (the “Agreement”). A copy of the Amendment is submitted herewith.

This Amendment was reached through voluntary negotiations of two informal complaints filed with the Federal Communications Commission. The settlement agreement has forward-looking terms and clarifies and amends section 2.4 of the Agreement. The settlement agreement is already on file with the Commission in other cases (GNR-T-04-5 and GNR-T-04-6), but has not been filed with the current docket and is therefore being filed at this time in accordance with the Federal Communication

Commission's Notice of Apparent Liability ("NAL") in the Matter of Qwest Corporation Apparent Liability for Forfeiture on March 12, 2004. The Commission staff has been mediating the implementation of the terms and conditions of the settlement agreement since shortly after PageData's receipt of the agreement dated June 4, 2003. Mediation is on-going.

The Amendment is submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act").

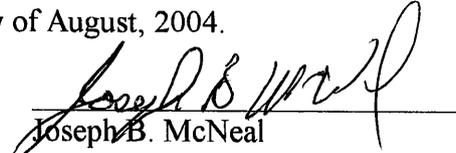
Section 252(e)(2) of the Act directs that a state Commission may reject an amendment reached through voluntary negotiations only if the Commission finds that: the amendment (or portion(s) thereof) discriminates against a telecommunications carrier not a party to this agreement; or the implementation of such an amendment (or portion) is not consistent with the public interest, convenience and necessity.

PageData respectfully submits this Amendment provides no basis for either of these findings, and, therefore requests that the Commission approve this Amendment expeditiously. This Amendment is consistent with the public interest as identified in the pro-competitive policies of the State of Idaho, the Commission, the United States Congress, and the Federal Communications Commission. Expedient approval of this Amendment will enable PageData to interconnect with Qwest facilities and to provide customers with increased choices among local telecommunications services.

PageData further requests that the Commission approve this Amendment without a hearing. Qwest may request a hearing because it believes it does not have to file such agreements. Because this Amendment was reached through voluntary negotiations, it

does not raise issues requiring a hearing. Expeditious approval would further the public interest.

Respectfully submitted this 11<sup>th</sup> day of August, 2004.

  
\_\_\_\_\_  
Joseph B. McNeal  
dba PageData

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of August, 2004, I served the foregoing **REVISED APPLICATION FOR APPROVAL OF AMENDMENT TO THE PAGING AGREEMENT** upon all parties of record in this matter as follows:

Jean Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
Boise, ID 83720-0074

Hand Delivery  
 U.S. Mail  
 Facsimile  
 Email

Mary S. Hobson  
Stoel Rives LLP  
101 South Capitol Blvd., Suite 1900  
Boise, ID 83702

Hand Delivery  
 U.S. Mail  
 Facsimile  
 Email

John Love  
Qwest Communications International Inc.  
7800 East Orchard Road, Suite 250  
Englewood, CO 80111

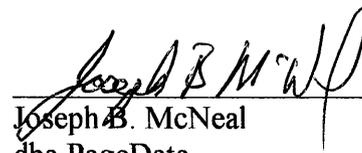
Hand Delivery  
 U.S. Mail  
 Facsimile  
 Email

Heidi Higer  
Qwest Corporation  
Directory Interconnection Compliance  
1801 California, Room 2410  
Denver, CO 80202

Hand Delivery  
 U.S. Mail  
 Facsimile  
 Email

General Counsel – Interconnection  
Qwest Law Department  
1801 California Street, 38<sup>th</sup> Floor  
Denver, CO 80202

Hand Delivery  
 U.S. Mail  
 Facsimile  
 Email

  
\_\_\_\_\_  
Joseph B. McNeal  
dba PageData

-----Original Message-----

From: Bob McKenna [[mailto:"Bob McKenna"](mailto:Bob McKenna)]

Sent: Wednesday, June 04, 2003 3:02 PM

To: Joseph McNeal

Cc: Christopher Olsen; William Bill Batt; Bryan E Sanderson; Andrea E Sanchez; kpettey; dljenni

Subject: WaveSent and PageData

Text item: Message Text

Dear Mr. McNeal:

We have reviewed your May 28 responses to the FCC's questions concerning interconnection requests by PageData and WaveSent. Upon such review, we have determined that Qwest will not insist on resolution of Qwest's claims for payment of past amounts as a precondition to either PageData's or WaveSent's ordering further interconnection facilities and services from Qwest. Qwest will be willing to process properly submitted ASRs for interconnection on a timely basis upon submission.

In the past, PageData and WaveSent have had difficulty completing and submitting proper ASRs for service. Andrea Sanchez (303.965.1805) will be available to meet with you to assist you in preparing these documents. As Qwest has noted in its filings with the Federal Communications Commission, the ASRs that PageData sent to the Commission are not complete and do not provide sufficient information on which Qwest could begin to fill the order. In addition, while Qwest is willing to provide PageData and WaveSent with the interconnection facilities and services that they need to provide the services for which such interconnection can lawfully be utilized, the number of trunks shown on the two ASRs filed with the FCC is clearly excessive for the paging services that form the basis of the ASRs. These matters can be worked out with Ms. Sanchez, who can insure that the ASRs that you submit are complete and accurate.

Finally, irrespective of disputes over past amounts due, there does not seem to be any dispute that compensation will be necessary for services provided under current interconnection agreements. Such compensation can be required in the case of transiting traffic and WATS or FX equivalent facilities, on the one hand, and reciprocal compensation on the other hand. Should PageData or WaveSent use interconnection facilities or services for Internet traffic, such traffic would not be subject to reciprocal compensation payments. Qwest would, of course, run its standard credit check on WaveSent to determine whether a deposit is necessary. These and similar compensation matters likewise can be worked out in advance with Ms. Sanchez. It makes sense to determine at this time what facilities and services must be paid for, and by whom.

Please do not hesitate to give me a call with questions. I can be reached at 303.672.2861.