



Cases # QWE-T-03-25
OSW-T-99-24
Reid by DH 2-23-04

SENT VIA EMAIL

February 22, 2004

Attention: Cindy Minor, Vickie Boone, Lori Lydon, and Barbara Newman
Qwest

RE: Request for Manager with Cross-Departmental Authority and
Request for Billing Corrections

I would like to thank you for the cooperation PageData has received thus far on straightening out PageData's accounts with Qwest since Qwest's policies have changed. I believe the recent spreadsheets that we have been passing back and forth with Cindy and Lori have clarified positions and helped keep things on track.

Since 1998, PageData has disputed Qwest's policies that were contrary to the 1996 Telecommunications Act (Tel Act):

- 1) To our knowledge, PageData has not had a non-legal representative from Qwest with in-depth knowledge of the 1996 Tel Act and cross-departmental authority assigned to straighten out all of PageData's accounts.
- 2) Qwest did not provide a single point of presence to CMRS carriers that Qwest considered paging only.
- 3) Qwest did not deliver Qwest originated traffic to PageData at no charge.
- 4) Qwest did not provide CMRS carriers that it considered paging only reciprocal compensation.
- 5) Qwest did not install PageData's requested single point of presence (SPOP) facilities despite numerous requests over several years.
- 6) Qwest charged PageData and not the originating carrier for delivery of transit traffic.
- 7) Qwest restricted CMRS carriers that it considered paging only to a 20-mile local calling area instead of the LATA as articulated in the 1996 Tel Act.
- 8) Qwest has not provided PageData a breakout by USOC code of the application of the \$55,000+ credits awarded by the Idaho PUC.
- 9) Qwest has refused to refund PageData overpayments totalling approximately \$250,000.

The crux of the problems between PageData and Qwest originated when the Carrier Services Wholesale Group violated PageData's statutory rights under the 1996 Tel Act with regard to SPOP, reciprocal compensation and no charge for delivery of Qwest originated traffic in the LATA.

PO Box 15509
Boise, Idaho 83715

Telephone (208) 375-9844
Facsimile (208) 373-7159

6610 Overland Road
Boise, Idaho 83709

It was also Qwest's policy in 1995-1997 to put paging carriers in the small business group, which PageData was originally placed in. It was only after PageData obtained legal counsel that the decision was made by someone at Qwest to move some of PageData's accounts from the small business group to the wholesale group. The frame relay and the leased lines used to transport Qwest originated traffic were not moved to the wholesale group because of Qwest's policy not to provide a SPOP to CMRS carriers that it considered paging only. Qwest's policy was that paging carriers did not terminate traffic and were restricted to the local calling area. Qwest continued to charge PageData for services that Qwest was obligated to provide at no charge.

Qwest has since changed and brought its policies more in line with the 1996 Tel Act. With these policy changes, Qwest has agreed to provide PageData a SPOP, reciprocal compensation, and no charge for delivery of Qwest originated traffic – items that originally initiated the dispute. However, Qwest's billing policy has not changed retroactively with the other policy changes that Qwest has capitulated.

Through correspondence with Qwest and legal proceedings before the Idaho PUC, FCC, and federal court, the record will show that all of these accounts have been in dispute because of Qwest's policies towards SPOP, reciprocal compensation, and delivery of Qwest originated traffic at no charge:

208 R55-2312 312	L-208-111-1771-7718
208 R51-0454 454	L-208-111-1769-7698
208 R51-0485 085	208-373-9000-260B
208-642-8000-188B	208-375-9003-192B
208-D08-6826-826	208-375-9844-00-00
6058670 (old Act # 178793)	208-375-8896-00-00
L-208-111-1770-117M	

These accounts should have been marked formally in Qwest's billing as disputed by PageData over five years ago.

If Qwest saw fit to change its policies to what PageData had originally been requesting in 1998, it would stand to reason that its billing policies would also retroactively reflect those changes in the billing.

It is blatantly unfair to PageData to shuffle off this dispute (about functionally equivalent services when the Carrier Services Group denied the SPOP requested by PageData) to other Qwest billing departments associated with the above accounts. The other billing departments are under Tariff and that is all they know. They are not familiar with the 1996 Tel Act provisions concerning SPOP, reciprocal compensation, and delivering Qwest originated traffic at no charge. There was no change in law. It was a change in Qwest policy.

From recent billing corrections, it is quite clear that all of the services that PageData received from Qwest were used to provide services that Qwest was responsible to deliver to PageData at Qwest's costs and not PageData's. PageData's billing should have always been approximately

what it will be when the remainder of the SPOP facilities are installed in March (approximately \$230 for a DS3 and \$366 in T1 mileage charges). PageData does not agree with the mileage charges because Qwest must deliver Qwest originated traffic in the LATA to PageData's point of interconnection (which is Boise). Qwest was charging PageData approximately \$6,000 per month to substitute for facilities and functionality that Qwest was obligated to provide to PageData at no charge.

In Conclusion,

It has been borne out by FCC, federal court rulings and even Qwest itself that PageData's original requests were in line with the 1996 Tel Act. Since Qwest has changed its policies on the SPOP, reciprocal compensation, and not charging to deliver Qwest originated traffic in the LATA (all terms and conditions originally requested by PageData) PageData's billing should retroactively reflect that and be corrected. The corrections should include a spreadsheet breaking out by USOC the \$55,000 credit awarded to PageData by the Idaho PUC, so PageData can see and understand how the credit was applied because PageData is not obligated to pay for Qwest originated traffic. Without the involvement of a manager that has cross-departmental authority with the background and knowledge of the 1996 Tel Act, the billing will not be corrected and brought into compliance with the 1996 Tel Act.

Qwest was charging PageData \$6,000 per month for functional equivalent facilities that PageData now receives for \$230 per month plus reciprocal compensation. PageData's requests had not changed. The 1996 Tel Act did not change. The FCC and federal courts upheld its interpretation and the only thing that changed was Qwest's policy. The billing departments should retroactively reflect the change as well. The Carrier Services Group is obligated to fix the problem through a Qwest manager that has cross-departmental authority.

Sincerely,

/s/ Joseph B. McNeal
Joseph B. McNeal