



# In the Supreme Court of the State of Idaho

IN THE MATTER OF THE JOINT PETITION )  
 OF ROBERT RYDER, DBA RADIOPAGING )  
 SERVICE, JOSEPH MC NEAL, DBA )  
 PAGEDATE AND INTERPAGE OF IDAHO, )  
 FOR A DECLARATORY ORDER AND )  
 RECOVERY OF OVERCHARGES FROM U.S. )  
 WEST COMMUNICATIONS, INC. )

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 ROBERT RYDER dba RADIO PAGING )  
 SERVICE, JOSEPH B. MC NEAL DBA )  
 PAGEDATE AND INTERPAGE OF IDAHO, )  
 AND TEL-CAR, INC., )

Petitioners-Appellants, )

v. )

IDAHO PUBLIC UTILITIES COMMISSION, )

Respondent on Appeal, )

and )

QWEST CORPORATION, )

Respondent-Respondent on Appeal. )

ORDER

NO. 29175

A STIPULATED MOTION TO SUSPEND APPEAL AND REMAND TO THE ADMINISTRATIVE AGENCY with attachments was filed by the parties February 13, 2004 to suspend this appeal and remand to the Commission for review of its decision entered in this case in light of the Ninth Circuit Court's opinion in *Mountain Communications v. Federal Communications Commission* (FCC), \_\_\_\_\_ F.3d, 2004 WL 66770 (D.C. Cir. 2004) as the Public Utilities Commission relied on two FCC memorandum opinions and orders now overturned by this opinion. Therefore, good cause appearing,

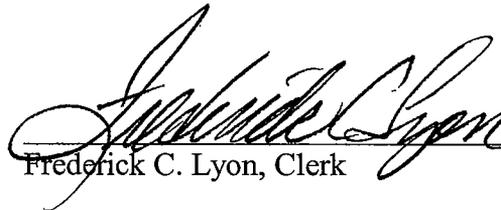
IT IS HEREBY ORDERED that the STIPULATED MOTION TO SUSPEND APPEAL AND REMAND TO THE ADMINISTRATIVE AGENCY be, and hereby is, GRANTED and

proceedings are REMANDED to the Public Utilities Commission to review their decision in this case in light of the above Ninth Circuit Court opinion.

IT IS FURTHER ORDERED that proceedings in this appeal shall be SUSPENDED until May 12, 2004 at which time the due date for filing Appellant's Brief shall be reset unless otherwise provided by an Order of this Court.

DATED this 8<sup>th</sup> day of March 2004.

For the Supreme Court



Frederick C. Lyon, Clerk

cc: Counsel of Record  
Secretary, Public Utilities Commission