

ORIGINAL

RECEIVED  
FILED

2004 SEP -3 AM 10: 01

IDAHO PUBLIC  
UTILITIES COMMISSION

Jim Jones (ISB #1136)  
**JIM JONES & ASSOCIATES**  
1275 Shoreline Lane  
Boise, Idaho 83702-6870  
Telephone: Boise (208) 385-9200

Attorney for Petitioners/Appellants

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE JOINT )  
PETITION OF ROBERT RYDER, d/b/a )  
RADIO PAGING SERVICE, JOSEPH B. )  
MCNEAL, d/b/a PAGEDATA AND )  
INTERPAGE OF IDAHO, AND )  
TEL-CAR, INC., FOR DECLARATORY )  
ORDER AND RECOVERY OF )  
OVERCHARGES FROM U.S. WEST )  
COMMUNICATIONS INC., )

Supreme Court Docket No. 29175

IPUC Docket No. T-99-24

\_\_\_\_\_  
ROBERT RYDER, d/b/a RADIO )  
PAGING SERVICE, et al., )

**PETITIONERS' RESPONSE TO  
QWEST CORPORATION'S  
PETITION FOR RECONSIDERATION,  
ALTERATION OR AMENDMENT OF  
ORDER NO. 29555**

Petitioners/Appellants, )

vs. )

IDAHO PUBLIC UTILITIES )  
COMMISSION, )

Respondent on Appeal, )

and )

QWEST CORPORATION, )

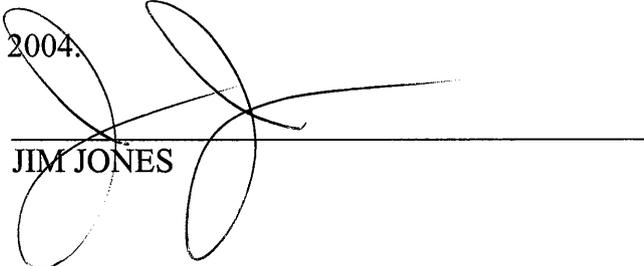
Respondent/Respondent on )  
Appeal. )  
\_\_\_\_\_ )

Enough is enough! Qwest's requests for reconsideration and oral argument are merely designed to further delay and obfuscate. The Commission has ordered reimbursement of over \$200,000 to the Petitioners but, as a result of Qwest's antics, the Petitioners have yet to see one single penny of that money. The Petitioners were charged 100% more than they should have been for the services in question, starting on November 1, 1996, yet Qwest has not had to refund any of the ill-gotten gains for 8 years.

The case on appeal was remanded to the Commission strictly for determining the effect of the Mountain Communications decision on the Commission's previous orders. Both parties had an opportunity to provide input and the Commission made its decision. The Supreme Court has taken the case back and Petitioners are now required to file their appeal brief by September 13, 2004. *See, attached Order.* If Qwest is unhappy with the Commission's decision, it must make its case in the Supreme Court. There is absolutely no ground for having the issue litigated both in the Commission and the Supreme Court at the same time.

It is respectfully requested that Qwest's petition be denied and that Qwest be ordered to pay the refunds provided for in Order No. 29555. *See, I.C. § 61-626(3).*

DATED this 2<sup>nd</sup> day of September, 2004.

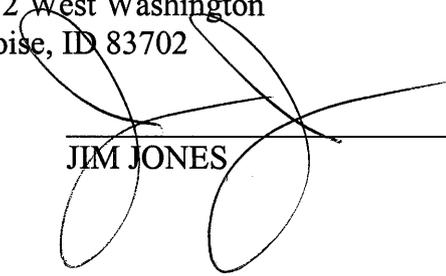
  
\_\_\_\_\_  
JIM JONES

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 2<sup>nd</sup> day of September, 2004, I caused to be served a true and correct copy of the foregoing PETITIONERS' RESPONSE TO QWEST CORPORATION'S PETITION FOR RECONSIDERATION, ALTERATION OR AMENDMENT OF ORDER NO. 29555 by depositing the same in the United States mail, postage prepaid, in an envelope addressed to the following:

WILLIAM J. BATT  
Marshall, Batt & Fisher  
P.O. Box 1308  
Boise, ID 83701

DON HOWELL  
Idaho Public Utilities Commission  
472 West Washington  
Boise, ID 83702

  
\_\_\_\_\_  
JIM JONES

IDAHO SUPREME COURT



IDAHO COURT OF APPEALS

Clerk of the Courts  
(208) 334-2210

AUGUST 9, 2004

P. O. Box 83720  
Boise, Idaho 83720-0101

JIM JONES  
1275 SHORELINE LN  
BOISE ID 83702

BRIEFING RESUMED-APPELLANT BRIEF(S) DUE

Docket No. (App) RYDER, ROBERT  
                  V.  
29175 (Res) QWEST CORPORATION

DC Docket #  
T-99-24

Be advised that BRIEFING in the above named appeal has been resumed.  
The APPELLANT BRIEF(S) must be filed by SEPTEMBER 13, 2004.

(See I.A.R. 21).

A02/01640 B55 / DB 12:45:19

For the Court:  
FREDERICK C LYON  
Clerk of the Courts