

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

RECEIVED
FILED
2004 SEP -9 PM 2:55
IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Petitioners/Appellants

IN THE SUPREME COURT OF THE STATE OF IDAHO

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.,)
_____)

Docket No. 29175

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

Petitioners/Appellants,)

MOTION FOR EXTENSION

vs.)

IDAHO PUBLIC UTILITIES)
COMMISSION,)
_____)

Respondent on Appeal,)

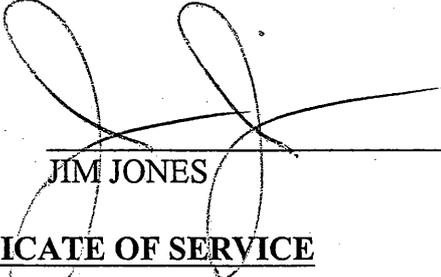
and)

QWEST CORPORATION,)
_____)

Respondent-Respondent on)
Appeal.)
_____)

COMES NOW counsel for Petitioners/Appellants, Robert Ryder, d/b/a Radio Paging Service, Joseph B. McNeal, d/b/a PageData and InterPage of Idaho, and Tel-Car, Inc., who move the Court for entry of an order, pursuant to IAR 34(e), extending the due date for the brief of Petitioners/Appellants for a period of 25 days. Appellants' brief is due on September 13, 2004. A 25-day extension would change the due date to October 8, 2004. Grounds for this motion are set forth in the accompanying Affidavit of Jim Jones.

DATED this 8th day of September, 2004.



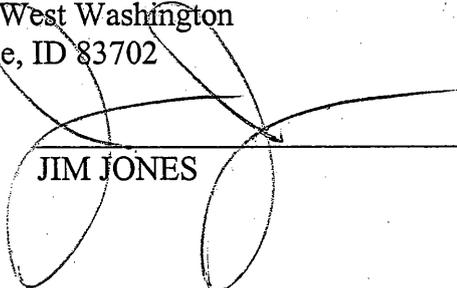
JIM JONES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of September, 2004, I caused to be served a true and correct copy of the foregoing MOTION OF EXTENSION 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

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

RECEIVED
FILED
2004 SEP -9 PM 2:55
IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Petitioners/Appellants

IN THE SUPREME COURT OF THE STATE OF IDAHO

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.,)
_____)

Docket No. 29175

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

Petitioners/Appellants,)

vs.)

IDAHO PUBLIC UTILITIES)
COMMISSION,)

Respondent on Appeal,)

and)

QWEST CORPORATION,)

Respondent-Respondent on)
Appeal.)
_____)

**AFFIDAVIT IN SUPPORT OF
MOTION FOR EXTENSION**

STATE OF IDAHO)
 : ss
County of Ada)

JIM JONES, being duly sworn, deposes and says:

1. I am counsel of record for the Appellants in the above-entitled matter.
2. The due date of Appellants' brief is September 13, 2004.
3. An extension was previously requested by Appellants on January 8, 2004.

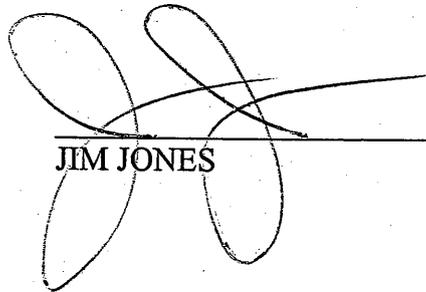
Shortly thereafter, the case was remanded to the Idaho Public Utilities Commission for further proceedings. This is the second request for extension but the first after the remand.

4. An extension of the filing date for Appellants' brief is necessary because proceedings are still on-going with regard to the issue for which the remand was made. The Commission served its order with regard to the issue on remand (Order No. 29555) on August 2, 2004. On August 23, 2004, Respondent Qwest Corporation filed a Petition for Reconsideration, Alteration or Amendment of Order No. 29555. No ruling has been made by the Commission yet on such petition and, pursuant to I.C. § 67-626(2), the Commission has until September 20, 2004, to issue its ruling. The Commission's Order No. 29555 favored Appellants and would, if not challenged on appeal by Qwest, eliminate several issues that Appellants intended on pursuing on appeal. Qwest indicated that it was filing its petition for reconsideration, largely for the purpose of not being precluded under I.C. § 61-627 from seeking appellate review in the event the Commission declines relief on the petition for reconsideration. A twenty-five day extension will allow for the Commission for decide the petition for reconsideration and will give the parties a better picture of what issues need to be briefed and submitted for determination on appeal. Furthermore, in anticipation of the possibility that the issues presented on appeal may change depending on the Commission's

determination with respect to the petition for reconsideration, the parties are working on a stipulation to augment the agency record on appeal.

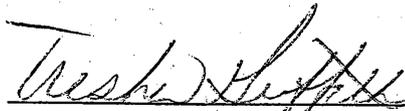
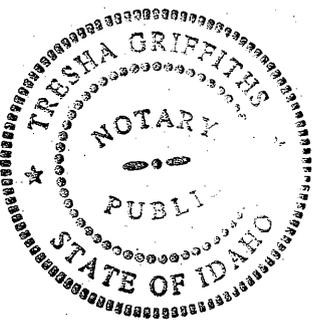
5. Twenty-five (25) additional days would permit the Commission to act on the petition for reconsideration filed by Qwest Corporation, allow for the parties to work out their stipulation to augment the record on appeal, and allow the parties to better determine the issues to be presented for appellate review.

6. Both the counsel for the Commission and for Qwest Corporation have been informed of this motion and neither object to the extension.



JIM JONES

SUBSCRIBED AND SWORN to before me this 8th day of September, 2004.



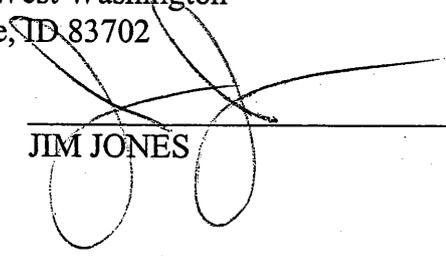
NOTARY PUBLIC FOR IDAHO
Residing at: Meridian, Idaho
My Commission Expires: 6/15/06

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of September, 2004, I caused to be served a true and correct copy of the foregoing AFFIDAVIT IN SUPPORT OF MOTION FOR EXTENSION 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