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IDAHO PUBLIC
UTILITIES COMMISSION

SUP-T-03-01

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IDAHO TELEPHONE ASSOCIATION,
CITIZENS TELECOMMUNICATIONS
COMPANY OF IDAHO, CENTURYTEL
OF IDAHO, CENTURYTEL OF THE GEM
STATE, POTLATCH TELEPHONE
COMPANY and ILLUMINET, INC.

Respondents

vs.

QWEST CORPORATION¹

Appellant

CASE No. QWE-T-02-11

NOTICE OF APPEAL

¹ The Complaint named Qwest Communications, Inc. as the Respondent, but the proper party is Qwest Corporation.

TO: THE ABOVE NAMED RESPONDENTS ILLUMINET, INC., and its attorney, Thomas J. Moorman, Kraskin, Lesse & Cosson LLP, 120 L Street NW- Suite 520, Washington DC 20037; CITIZENS TELECOMMUNICATIONS COMPANY OF IDAHO and ELECTRIC LIGHTWAVE, INC., and their attorney, Morgan W. Richards, Moffatt Thomas Barrett Rock & Fields, Chartered, 101 South Capitol Boulevard – 10th Floor, Boise, ID; and THE IDAHO TELEPHONE ASSOCIATION, and its attorney, Conley E. Ward, Givens Pursley LLP, 277 North 6th Street – Suite 200, Boise, ID

AND TO: THE SECRETARY OF THE IDAHO PUBLIC UTILITIES COMMISSION

NOTICE IS HEREBY GIVEN THAT:

1. Appellant, Qwest Corporation (Qwest), appeals against the above-named Respondents, to the Idaho Supreme Court from Order No. 29219 entered by the Idaho Public Utilities Commission (Commission) in the above entitled proceeding on the 15th day of April, 2003, President Paul J. Kjellander, Commissioner Dennis S. Hansen, and Commissioner Marsha H. Smith, presiding; and from Order No. 29310 entered the 27th day of August, 2003, President Paul J. Kjellander, Commissioner Dennis S. Hansen, and Commissioner Marsha H. Smith, presiding.

2. Appellant appeals to the Idaho Supreme Court as a matter of right pursuant to 11(e) I.A.R. from the above referenced orders, which are deemed to include all interlocutory judgments, orders and decrees as provided under rule 17(e) I.A.R.

3. Without waiving its right to assert other issues, the Appellant preliminarily states that the issues it intends to assert on appeal include:

- a. Does the jurisdiction provided to the Commission in Idaho Code § 62-614 extend to granting relief to companies that are neither telephone corporations subject to regulation under title 61, Idaho Code, nor mutual, nonprofit or cooperative telephone corporations?
- b. Does the Commission's declaration that Qwest's SS7 signaling charges are invalid and may not be collected amount to rate regulation of a service or services over which the Commission lacks rate setting authority?
- c. Does the Commission's authority under Idaho Code § 62-605(5) empower the Commission to invalidate Qwest's signaling charges for the use of its signaling network by a third party SS7 services provider and, if so, did the Commission follow the necessary process and enter the necessary findings to exercise such authority?
- d. Does the record contain substantial evidence to support the Commission's determination that it has been able to spread the recovery for SS7 expenses

across all intrastate services; and in reaching that determination, did the Commission err in refusing to grant a new hearing on Qwest's evidence as to when SS7 technology was introduced into the Idaho network and how Qwest has previously recovered the costs for the provision of this service?

- e. Does the record contain substantial evidence to support the Commission's determination that existing inter-carrier agreements preclude Qwest's imposition of SS7 signaling charges in its Access Catalog?
- f. Is Illuminet entitled to rely on, enforce, or otherwise reap the benefits of any agreements between Qwest and Illuminet's carrier customers and, if so, do those agreements provide Illuminet with the ability to obtain signaling services from Qwest at rates different than the rates set forth in Qwest's Idaho Access Services Catalog?

4. Appellant states that the Volume II of the hearing transcript was sealed by the Commission due to the discussion of information that had been designated as confidential and proprietary, and which was disclosed pursuant to the terms of the parties' Protective Agreement. In addition, Exhibits 204, 206, 208, 402, 405 and 504 were admitted as confidential and proprietary. Finally, Attachment E to Qwest's Petition for Reconsideration filed May 6, 2003, was submitted as a confidential and proprietary document.

5. Pursuant to I.A.R. 25(c), Appellant requests preparation of a standard reporter's transcript.

6. Appellant requests the following documents in Case No. QWE-T-02-11 be included in the agency's record in addition to those automatically included under I.A.R. 28:

- a. Qwest's Answer filed June 21, 2002.
- b. Petition to Intervene of Electric Lightwave, Inc. filed June 21, 2003.
- c. Order No. 29074 served July 21, 2002.
- d. Order No. 29115 served September 16, 2002.
- e. The parties' Protective Agreement dated September 17, 2002.
- f. Qwest Corporation's Post Hearing Memorandum filed January 31, 2003.
- g. Qwest Corporation's Reply Brief filed February 20, 2003.
- h. Motion to Stay Order No. 29219 filed May 5, 2003.
- i. Qwest's Assignments of Error Pertaining Order No. 29219 filed as Attachment A to Qwest's Petition for Reconsideration on May 6, 2003.

- j. Affidavit of Charmian ("Char") A. Kuder and Exhibits 1 and 2 filed collectively as Attachment B to Qwest's Petition for Reconsideration on May 6, 2003.
 - k. Affidavit of Julie Kaufman-Prentice filed as Attachment C to Qwest's Petition for Reconsideration on May 6, 2003.
 - l. Affidavit of Philip Linse and Attachments A-E, filed collectively as Attachment D to Qwest's Petition for Reconsideration on May 6, 2003.
 - m. Confidential Attachment E to Qwest's Petition for Reconsideration filed May 6, 2003.
 - n. Attachment F to Qwest's Petition for Reconsideration filed May 6, 2003.
 - o. Qwest's Answer to Complainants' Petition for Reconsideration and Clarification and Cross Petition for Reconsideration of Order No. 29219.
7. The undersigned counsel for Qwest Corporation certifies that:
- a. a copy of this Notice of Appeal has been served on the reporter;
 - b. the Secretary of the Idaho Public Utilities Commission has been paid the estimated fee for preparation of the designated reporter's transcript;
 - c. the estimated fee for preparation of the record has been paid;
 - d. the appellate filing fee has been paid; and
 - e. service of this Notice of Appeal has been made upon all parties required to be served pursuant to I.A.R. 20.

RESPECTFULLY SUBMITTED this 8th day of October, 2003.



Mary S. Hobson
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Stephanie Boyett-Colgan
Qwest Services Corporation

Charles W. Steese
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Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2003, I served the **NOTICE OF APPEAL** as follows:

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