

JOSEPH MCNEAL, d/b/a PAGEDATA
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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

JOSEPH B. MCNEAL, d/b/a PAGEDATA,)	
)	
Petitioner/Appellant,)	CASE NO. QWE-T-03-25
)	
vs.)	NOTICE OF APPEAL
)	
QWEST CORPORATION,)	
)	
Respondent/Appellee)	
_____)	

TO: THE ABOVE-NAMED RESPONDENT AND APPELLEE, QWEST CORPORATION, AND ITS ATTORNEY, WILLIAM J. BATT, BATT & FISHER, 101 S. CAPITAL BLVD, 5th FLOOR, BOISE, IDAHO 83702.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant, Joseph B. McNeal, d/b/a PageData, appeals to the Idaho Supreme Court from the following orders of the Idaho Public Utilities Commission, to-wit, Order No. 29687, dated January 19, 2005 and Order No. 29726 (on reconsideration), dated March 9, 2005, Paul Kjellander, PUC President, presiding.

2. That Appellant has a right to appeal to the Idaho Supreme Court and the orders described in paragraph 1 above are appealable orders under and pursuant to I.A.R. 11(e) and I.C. § 61.627.

3. The following is a preliminary statement of the issues which the Appellant intends to assert in the appeal:

- (1) Whether the Commission erred in failing to require Respondent to answer the complaint?
- (2) Whether the Commission erred by failing to fulfill its obligations under the Supremacy Clause to enforce the 1996 Telecommunications Act in the state of Idaho?
- (3) Whether the Commission failed to promote competition?
- (4) Whether the Commission failed to secure lower prices for Idaho citizens?
- (5) Whether the Commission failed to encourage the rapid deployment of new telecommunications technologies?
- (6) Whether the Commission erred by relying on previous arbitration rulings?
- (7) Whether the Commission abused its powers by granting Qwest's Motion to Dismiss?
- (8) Whether the Commission failed to implement and enforce the provisions of the 1996 Telecommunications Act pursuant to I.C. §§ 62-602(5) and 62-615(1) and (3)?
- (9) Whether the Commission erred by not holding an evidentiary hearing concerning unconscionability of the arbitration clause?
- (10) Whether the Commission erred in reconciling its own Order No. 29604, dated October 6, 2004, and Order No. 29655, dated December 9, 2004 with Order No. 29687, dated January 19, 2005, and Order No. 29726, dated March 9, 2005?

(11) Whether the Commission's record of decision making prohibits or hinders new market entrants?

(12) Whether the Commission erred in not considering the unique nature of interconnection agreements being placed on file for adoption by competitive carriers?

(13) Whether the Commission erred in not considering its unique non-reviewable authority in reviewing interconnection agreements?

(14) Whether the Commission erred by not making its decision in light of competition, open markets, and deployment of new technologies?

4. No order has been entered sealing all or any portion of the record, however a portion of the record (Exhibits A-F to the Complaint, dated October 31, 2003) has been submitted under seal as confidential information.

5. No reporter's transcript is necessary.

6. The Appellants request the following documents to be included in the agency's record in addition to those automatically included under I.A.R. 28(b)(3):

a. Confidential/Proprietary Documents in the Record – Exhibits A-F to Complaint, dated October 31, 2003.

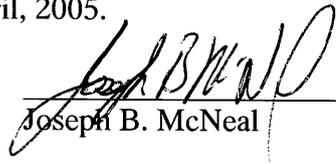
b. The Interconnection Agreement between Arch and Qwest that was adopted by PageData, approved by the Commission February 25, 2003.

c. The Interconnection Agreement Amendment, approved by the Commission July 15, 2003.

7. In addition, it is requested that the following-listed documents be included in the record, either as part of the agency record, or preferably, as exhibits:

- a. Commission Record File for case QWE-T-03-6
8. I certify:
- a. That a copy of this notice of appeal need not be served on the reporter, as no transcripts are necessary.
 - b. That the estimated fee for preparation of the agency's record has been paid.
 - c. That the appellate filing fee has been paid.
 - d. That service has been made upon all parties required to be served pursuant to Rule 20.

Respectfully submitted this 19th day of April, 2005.



 Joseph B. McNeal

CERTIFICATE OF SERVICE

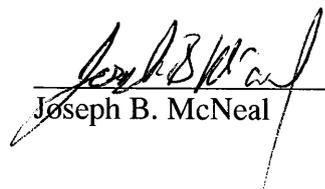
I HEREBY CERTIFY that on this 19th day of April, 2005, I caused a true and correct copy of the foregoing NOTICE OF APPEAL to be served, in the manner indicated, on the following:

Jean Jewell, Secretary
 Idaho Public Utilities Commission
 472 West Washington Street
 Boise, ID 83720-0074

- Hand Delivery
- U.S. Mail
- Facsimile
- Email

William J. Batt
 Batt & Fisher
 U.S. Bank Plaza, Suite 500
 101 S. Capitol Boulevard
 Boise, ID 83701

- Hand Delivery
- U.S. Mail
- Facsimile
- Email



 Joseph B. McNeal