

10/4/06

2006 OCT 11 AM 8:06

JOHN C. DOWNEY, D.C.
104 EAST PINE
CALDWELL, IDAHO 83605
TELEPHONE: (208) 459-4354

Idaho Public Utilities Commission
Attn: Commission Secretary Jean Jewell
PO Box 83720
Boise ID 83720-0074

IDAHO PUBLIC
UTILITIES COMMISSION

RE: FORMAL COMPLAINT

Dear Ms. Jewell,

I respectfully request the reconsideration of order No. 30129 in the case QWE-T-06-10.

This petition takes issue with the Commissions finding (page 1): "The third line is the focus of this dispute..."

More correctly we believe the focus of the dispute should be a phone service that Qwest failed to provide but charged for anyway. More history might help.

Before May 2001 the Center had 2 business phone lines that served a phone system with 6 phones. The internet and fax machine operated by disabling one of the phone lines (459-9438), but internet access was only possible from one phone (at the front desk). In May 2001 the Center contacted Qwest so that internet access could be available to the entire system, but particularly to the phone in Dr. Downey's office. After a service call and communication with Qwest the internet connection was established for the entire phone system including Dr. Downey's phone, which disabled the 459-9438 as before. Qwest consequently billed for a "third Line" which was apparent on the first bill and the February bill only for the next two years. Nowhere was a 454-7296 number ever published, which the Center finds to be very curious. The Center has all of the bills.

The Center could only believe until September 2005 that it was being charged for an internet connection via a "third line" to it's 30 year old phone system. In

September 2005 however when Qwest offered to be the long distance carrier for a "third line" the Center learned that it was in fact being charged for a separate connection, a third line that was not connected to any phone, phone jack, or computer. This begins the dispute.

We now argue that since Qwest failed to make this line functional and therefore known, we are not liable for charges. Disputing the existence of the third line in the original complaint should be construed in this context. That is, not a denial of the existence of a third line but the denial of the existence of additional service.

The Center was not then or now interested in a "third phone" line. It's only interest was an internet connection to it's system, which it received. We believe that no review of the bills could discover the existence of a dysfunctional phone service unless the 454-7296 number had been published, and that Qwest's billing scheme was misleading for this reason (rule 101).

Finally, even if the Commission yet deems the Center should have discovered that it was being charged (unfairly) for the third line, it doesn't seem reasonable that the Center is liable for those (unfair) charges for that reason alone. Should it have been the Center's technical challenge to make the line functional if possible so that it could have canceled the function and avoided this dispute? Isn't Qwest capable of showing that the 454-7296 was never ^{used} functional thus supporting our claim? Thank you for your time.

Sincerely,


John C. Downey, D.C.