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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: QWEST
CORPORATION'S Land Development
Agreements (LDA) Tariff Provisions

Docket No. 03-049-62

**OBJECTION TO NOTICE OF
HEARING**

SBS Telecommunications, Inc. ("SBS") and Silver Creek Communications, Inc. ("Silver Creek"), by and through their counsel of record, hereby object to the Notice of Hearing issued by the Public Service Commission of Utah on July 15, 2003 concerning the above-referenced matter. More specifically, the Public Service Commission has given notice "that a scheduling conference will be held in [the matter of Docket No. 03-049-62] before the Commission's Administrative Law Judge on Thursday, August 7, 2003, at 9:00 a.m. . . ."

SBS and Silver Creek object to this Notice of Hearing based upon the following

grounds:

1. Untimely Notice of Hearing

The Notice of Hearing, on its face, indicates that the same was issued on July 15, 2003. SBS and Silver Creek however, did not receive notice of the scheduled hearing until Monday, August 4, 2003, at approximately 4:00 p.m. In this regard, Administrative Law Judge Douglas Tingey left a message for legal counsel Kevin McDonough, therein indicating that there were going to be some visitors from Nepal present during the hearing slated for Thursday, August 7th. When Mr. McDonough received this message from Judge Tingey, he immediately returned the phone call of Judge Tingey and informed him that he (McDonough) was unaware of such a hearing; and had not received notice of the same. Mr. McDonough received a copy of the Notice of Hearing later that day via facsimile transmission.

Attorney McDonough has other matters scheduled for the date of the noticed hearing on Thursday, August 7, 2003. Additionally, neither of the principals of SBS are able to attend the hearing scheduled for August 7th. (Counsel has been unable to reach its other client in this matter, Silver Creek.)

2. SBS and Silver Creek have petitioned the Public Service Commission for reconsideration of its July 15, 2003 Report and Order.

On Monday, August 4, 2003, SBS and Silver Creek filed a Request for Review and Reconsideration as related to the Report and Order in Docket No. 02-049-66. The Request for Review and Reconsideration was timely filed with the Commission; and

raises two issues to be reconsidered. Moreover, one of the issues which is before this Commission for reconsideration encompasses the very issue of the appropriateness of opening Docket No. 03-049-62, which is the subject of the noticed hearing slated for Thursday, August 7th.

SBS and Silver Creek believe that the Commission erred in opening a new docket, and noticing a hearing or “scheduling conference” concerning the new docket, prior to the expiration of the time period for filing objections, motions, requests for reconsideration, etc. concerning the Report and Order issued on July 15, 2003.

For the foregoing reasons, SBS and Silver Creek respectfully request that the Hearing presently scheduled for August 7, 2003, at 9:00 a.m. be stricken pending the resolution of SBS and Silver Creek’s procedural due process rights.

DATED this _____ day of August, 2003.

Respectfully submitted,

Tesch Graham

Kevin M. McDonough
Attorney for SBS and Silver Creek

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of August, 2003, I caused to be faxed and mailed in the U.S. Mail, postage prepaid, a true and correct copy of the foregoing

Objection to Notice of Hearing to the following:

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