

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Uintah Basin )  
Telecommunications Association, Inc., and )  
UBET Telecom, Inc., for an Order of the )  
Commission Approving the Combination, )  
Merger and Consolidation of UBET Telecom, )  
Inc. and Uintah Basin Telecommunications )  
Association, Inc. )

DOCKET NO. 04-053-03  
ORDER  
MODIFYING SCHEDULE

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ISSUED: November 5, 2004

By The Commission:

On October 5, 2004, the Commission issued a Scheduling Order setting the following deadlines in this docket:

- November 5, 2004                      Rebuttal Testimony to be filed by Division of Public Utilities, Committee of Consumer Services and any intervenors.
- November 15, 2004                    Sur-rebuttal testimony to be filed by UBTA and UBET.
- November 22, 2004                    Hearing

On November 3, 2004, the Utah Committee of Consumer Services (Committee), citing a desire to continue negotiations of the parties toward a stipulation in this matter, filed a Motion for Extension of Time Within Which to File Testimony and Motion for Rescheduling of Hearing requesting that "if necessary" the Commission modify the current schedule as follows:

- November 24, 2004                    Rebuttal Testimony to be filed by Division of Public Utilities, Committee of Consumer Services and any intervenors.
- December 3, 2004                     Sur-rebuttal testimony to be filed by UBTA and UBET.
- December 10, 2004                    Hearing

On November 4, 2004, Uintah Basin Telecommunications Association, Inc. (UBTA), and UBET Telecom, Inc. (UBET) jointly filed their response to the Committee's Motion. UBTA and UBET oppose the Motion generally on the grounds that the parties previously agreed to the current schedule and that any delay leading to failure

to consummate the companies' merger prior to the end of the calendar year could adversely impact the consolidated company, its members and subscribers. UBTA and UBET suggested and agreed to an alternative schedule as follows:

November 15, 2004	Rebuttal Testimony to be filed by Division of Public Utilities, Committee of Consumer Services and any intervenors.
November 19, 2004 (or at Hearing)	Sur-rebuttal testimony to be filed by UBTA and UBET.
November 22, 2004	Hearing

Given the positions of the parties, the advanced stage of these proceedings, and the fact that rebuttal testimony would otherwise be due today, it appears reasonable to permit additional time within the current schedule for the parties to provide their respective rebuttal and sur-rebuttal testimony. However, at this time, it does not appear necessary to delay the Hearing in this matter. Therefore, the schedule in this docket is hereby modified to conform to the schedule proposed by UBTA/UBET as indicated above with one clarification—UBTA/UBET pre-filed sur-rebuttal testimony shall be filed no later than noon (12:00 p.m.) on November 19, 2004.

Based on the submissions of the parties and for good cause appearing, the Administrative Law Judge hereby grants with modifications the Committee's Motion for Extension of Time Within Which to File Testimony and denies its Motion for Rescheduling of Hearing, modifying the schedule in this docket as indicated above.

DATED at Salt Lake City, Utah, this 5<sup>th</sup> day of November, 2004.

/s/ Steven F. Goodwill  
Administrative Law Judge

Attest:

/s/ Julie Orchard  
Commission Secretary

G#41259