

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Petition of All )  
American Telephone Co., Inc., for a *nunc* ) DOCKET NO. 08-2469-01  
*pro tunc* Amendment of its Certificate of )  
Authority to Operate as a Competitive ) REPORT AND ORDER AND  
Local Exchange Carrier within the State ) NOTICE OF SCHEDULING  
of Utah ) CONFERENCE  
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ISSUED: November 18, 2008

By the Commission:

THIS MATTER is before the Commission on All American's (Company)  
Request for Extension of Time and Request for Scheduling Conference.

BACKGROUND

The Company filed its Petition on or about May 2, 2008, asking the Commission to amend its certificate, *nunc pro tunc*, and permit it to operate as a competitive local exchange carrier within Utah, specifically, within the areas certificated to Beehive Telephone Company, Inc. During these proceedings, the Division of Public Utilities (DPU) sent a first set of data requests to which the Company responded. DPU sent a second set of data requests. Because the Company viewed these proceedings as informal, it contended it had no obligation to respond to the second set of data requests under the Utah Administrative Code Rules and declined to answer. In response, DPU filed a Request moving for dismissal of the Company's Petition (Request), or in the alternative, an order designating these proceedings as formal. Additionally, DPU requested the Commission compel the Company's response to the second set of data requests.

On November 10, 2008, the Company filed a request for an extension of time. It represented that it and DPU have agreed to attempt to resolve concerns DPU raised in its Request. The Company attached correspondence between the two, wherein they agree to try and resolve DPU's concerns related to the Company's Petition. Based on these representations, the Company requested its response be continued until further negotiations have been completed. The Company also requested a scheduling conference to set negotiation timelines and future briefing. Additionally, the Company waived the 240-day deadline set forth in Utah Code Ann. § 54-8b-2.1(3)(d), wherein the Commission must approve or deny the application.

#### REPORT AND ORDER

Having reviewed the Company's request and attachments, and finding good cause appearing, the Commission hereby grants the Company's request for extension of time. The Commission orders that the Company's response to DPU's Request is continued until a later date to be set by the Commission in a scheduling order, or as otherwise set by the Commission.

The Commission further takes administrative notice of the Company's waiver of the 240-day time period set in Utah Code Ann. § 54-8b-2.1(3)(d).

#### NOTICE OF SCHEDULING CONFERENCE

Also, notice is given that a Scheduling Conference in the above entitled matter will be conducted by the Administrative Law Judge of the Public Service Commission of Utah on **Tuesday, December 2, 2008, at 9:30 a.m., Fourth Floor Room 401**, Heber M. Wells State Office building, 160 East 300 South, Salt Lake City, Utah.

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Individuals wishing to participate by telephone should contact the Commission two days in advance by calling (801) 530-6716 or call toll-free 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Commission five minutes prior to the conference to ensure participation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during any proceeding should notify Julie Orchard, Commission Secretary, at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, this 18<sup>th</sup> day of November, 2008.

/s/ Ruben H. Arredondo  
Administrative Law Judge

Approved and confirmed this 18<sup>th</sup> day of November, 2008, as the Report and Notice of Scheduling Conference of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#59829