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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of All American Telephone Co., Inc., for a <i>nunc pro tunc</i> Amendment of its Certificate of Authority to Operate as a Competitive Local Exchange Carrier within the State of Utah	DOCKET NO. 08-2469-01 Reply of the Utah Rural Telecom Association
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The Utah Rural Telecom Association (“URTA”), on behalf of itself and URTA members All West Communications, Bear Lake Communications, Carbon/Emery Telcom, Central Utah Telephone, Direct Communications Cedar Valley, Emery Telcom, Gunnison Telephone, Hanksville Telcom, Manti Telephone, Skyline Telecom, South Central Utah Telephone Association, UBTA-UBET Communications, and Union Telephone (“URTA members”) replies to All American Telephone Co. Inc.’s (“All American”) Response to URTA’s Petition to Intervene in this matter. This reply is made in accordance with the Public Service Commission’s (“Commission”) order issued January 20, 2009 in which the Commission adjudged this matter to be a formal adjudicative proceeding. URTA replies as follows:

1. Utah Code Ann. § 63G-4-207 allows persons not parties to a formal adjudicative proceeding to intervene if their legal interests may be substantially affected by the proceeding and intervention will not materially impair the orderly and prompt conduct of the proceeding.
2. On December 23, 2008, URTA petitioned the Commission to intervene in this matter on the belief that it was a formal adjudicative proceeding. The Commission has now

ruled that this proceeding is a formal adjudicative proceeding in which affected persons may intervene.

3. URTA participated as an intervenor in All American's certification case, Docket No. 06-2469-01, and only withdrew its objection to the application when All American agreed not to enter any exchange outside of Qwest's service territory. It was on that basis that the Commission issued a certificate to All American.

4. All American now argues that URTA has no legal interest in this proceeding because All American is not proposing to enter any service territory other than Beehive Telephone's ("Beehive") who has consented to All American's entry. All American is asking the Commission to treat its certificate as though All American had been authorized to provide service in Beehive's service territory from the date the Commission granted All American's certificate.

5. To the degree this proceeding affects the Commission's decision in Docket No. 06-2469-01 in which URTA was an intervenor, URTA has a legal interest that could be substantially affected by this proceeding. In addition, whether or not All American is proposing to enter service territories other than Beehive's, to the extent this proceeding sets precedent for entry into exchanges with fewer than 5,000 access lines, URTA has a legal interest that could be substantially affected thereby. This is not just some "vague" reference as All American claims in its response, it is a legal interest contemplated by Utah Code Ann. § 63G-4-207 to qualify for intervention.

6. All American argues that URTA's petition should be denied because URTA's intervention is not automatic under Utah Code Ann. § 54-8b-2.1(3) with only Beehive's territory at issue in this proceeding. Whether or not intervention is automatic is not a prerequisite to

URTA's intervention. URTA petitioned to intervene in Bresnan Broadband of Utah LLC's certification proceeding in Docket No. 07-2476-01 on grounds that the Commission could set precedent in that case for entry into rural exchanges with greater than 5,000 access lines. In fact the Commission did set precedent in that case. Intervention was not automatic, but the Commission granted URTA's petition because its rights were at issue and could be affected. Likewise, the Commission allowed URTA to intervene in Bresnan's Docket 08-2476-02 to affect any precedent that may be set in Bresnan's dispute with UBTA-UBET Communications over an essential facilities agreement.

7. URTA's intervention will not materially impair the prompt and orderly conduct of this proceeding. URTA's petition was timely; it was filed nearly a month before the Commission decided that this proceeding is a formal adjudicative proceeding. *See In Re Questar Gas Co.*, 175 P.3d 545 (Utah 2007). URTA has participated in many matters before this Commission without impairing the conduct thereof and will not impair the prompt and orderly conduct of this proceeding if the Commission grants its petition.

Based on the foregoing, URTA requests that the Commission reject All American's response opposing URTA's Petition to Intervene and grant its petition.

Respectfully submitted this 3rd day of February, 2009.

CALLISTER NEBEKER & MCCULLOUGH

Stephen F. Mecham

Certificate of Service

I hereby certify that on February 3, 2009 I emailed a true and correct copy of the foregoing Reply of the Utah Rural Telecom Association in Docket No. 08-2469-01 to the following:

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