

David R. Irvine (Utah Bar No. 1621)
Attorney and Counselor at Law
747 East South Temple Street, Suite 130
Salt Lake City, Utah 84102
Telephone: (801) 579-0802
Telecopier: (801) 579-0801
E-Mail: Drirvine@aol.com

Alan L. Smith (Utah Bar No. 2988)
Attorney and Counselor at Law
1492 East Kensington Avenue
Salt Lake City, Utah 84105
Telephone: (801) 521-3321
Telecopier: (801) 521-5321
E-Mail: Alanakaed@aol.com

Attorneys for Beehive Telephone Company, Inc.

BEFORE THE UTAH PUBLIC SERVICE COMMISSION

In the Matter of the Petition of)
All American Telephone Co., Inc.,)
for a *Nunc Pro Tunc* Amendment)
of Its Certificate of Authority to) Dkt. No. 08-2469-01
Operate as a Competitive Local)
Exchange Carrier within the)
State of Utah.)
)
)

**MOTION OF BEEHIVE TELEPHONE COMPANY, INC.,
TO STRIKE PLEADINGS OF THE CSS AND
FOR SUMMARY DISPOSITION OF THE ALL AMERICAN PETITION**

Beehive Telephone Company, Inc. (“Beehive” or “BTC”), moves to strike the pleadings filed by Utah Committee of Consumer Services (“Committee” or “CSS”) in

this docket, and for summary disposition of the petition of All American Telephone Co. (“All American” or “AATCO”) for an amended certificate in this docket.

The pleadings of the CSS should be stricken because (a) they were not authorized by the Committee, (b) even if authorized, the Committee did not have authority to file them, and (c) they were untimely filed, after the expiration of a jurisdictional bar.

The petition of All American should be granted summarily because (a) it has been deemed approved by the express terms of Utah Code, Section 54-8b-1.2(3)(d), and (b) all of the conditions precedent to granting the petition, as set forth in Utah Code, Section 54-8b-1.2(2), have been satisfied as a matter of law.

A supporting memorandum is being filed with this motion, setting forth Beehive’s arguments in support of the contentions noted above.

Dated this 7th day of April, 2009.

Alan L. Smith (Utah Bar No. 2988)
Attorney and Counselor at Law
1492 East Kensington Avenue
Salt Lake City, Utah 84105
Telephone: (801) 521-3321
Telecopier: (801) 521-5321
E-Mail: Alanakaed@aol.com

Attorney for Beehive Telephone Company, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing pleading was served this 7th day of April, 2009, by e-mailing a copy of the same to all parties who have entered an appearance electronically in this docket.
