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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Virgin Mobile USA, L.P. Petition for Limited Designation as an Eligible Telecommunications Carrier	Docket No. 10-2521-01 UTAH OFFICE OF CONSUMER SERVICES' MOTION TO COMPEL AND MOTION TO STAY PROCEEDINGS
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The Office moves for an order that compels Virgin Mobile USA to respond to the Office's Second Data Requests dated October 11, 2010 and Third Data Requests dated October 19, 2010. The Office requests that Virgin Mobile provide full and complete responses before 5:00 PM MST November 18, 2010, electronically as specified by the scheduling order. In addition, the Office moves that all proceedings in this docket be stayed until such time as Virgin Mobile provides the data and information requested. In particular, the Office requests that Office testimony now due November 17, 2010 may be filed two weeks following receipt of the data responses, provided they are served on or before November 18, 2010.

The September 29, 2010 Scheduling Order provides: “Absent extraordinary circumstances, parties will provide electronic responses to discovery requests within ten days of receipt.” As demonstrated by the attached e-mail, the Office requested that Virgin Mobile provide responses to the data requests and at 3:19 PM, October 28, 2010, Virgin Mobile committed to do so. At approximately 10:30 AM November 9, 2010, the undersigned called Virgin Mobile’s counsel John M. Beahn to inquire about the responses. In a telephone message at 11:33 AM on November 9, 2010, Mr. Beahn acknowledged that responses were due, that Virgin Mobile was finishing them, and that they would provide responses in the “next day or two”, at the end of the week at the latest. The Office has not received the responses.

Dated this 15th day of November 2010.

Paul H. Proctor
Assistant Attorney General
Attorney for the Utah Office of
Consumer Services

Ms. Murray-

My apologies for the delay in forwarding the responses. We will respond shortly.

Thanks.

From: Cheryl Murray [mailto:cmurray@utah.gov]
Sent: Thursday, October 28, 2010 10:25 AM
To: Beahn, John M (WAS)
Cc: Paul Proctor
Subject: Data Responses

John,
On Oct 11 I submitted the Office of Consumer Services 2nd data request. The Commission's scheduling order indicates that parties will make best efforts to provide responses in 10 days. Please indicate when I can expect to receive responses to OCS set 2.

Additionally, on Oct 19, I submitted the OCS 3rd data request in which the heading was mislabeled as First but the questions were numbered 3.1 and 3.2 and the document was identified as OCS DR #3. Both data requests are attached for your reference.

Thank you.
Cheryl

Cheryl Murray
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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the foregoing Motion of the Utah Office of Consumer Services were served upon the following by electronic mail on November 15, 2010:

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