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-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-
STATE OF UTAH

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In the Matter of the Application of)	<u>DOCKET NO. 04-053-03</u>
Uintah Basin Telecommunications)	
Association, Inc., and UBET Telecom,)	<u>MOTION FOR ORDER</u>
Inc., for an Order of the Commission)	
Approving the Combination, Merger)	<u>COMPELLING</u>
and Consolidation of UBET Telecom,)	
Inc., and Uintah Basin)	<u>DISCOVERY</u>
Telecommunications Association, Inc.)	
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<u>Proceeding Time Period</u>	<u>Expiration Date:</u>
	<u>January 17, 2005</u>

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The Commission has 20 days after filing a request for reconsideration to respond Pursuant to Utah Code Ann. “63-46b-12 and 54-7-15.

41 Pursuant to Rule 37(a) of the Utah Rules of Civil Procedure (URCP), movant
42 requests order to compel all parties to respond to my discovery requests under
43 Rules 26 through 37 of URCP.

44 An advance notice was emailed to the (applicant and his attorney), the Utah
45 Committee of Consumer Services (Committee), and the Division of Public
46 Utilities (Division) on January 8, 2005 (effective date of notice is Monday the
47 10th). This is extremely short advance notice of the filing of this motion.
48 However, it does not seem prudent to allow any additional time to pass before
49 requesting this motion.

50 The Public Service Commission's (Commission) deadline for responding to
51 my (intervener) December 27th Request for Reconsideration is January 17th. If
52 the Commission does grant that request, then I assume that I will have very little
53 time to present evidence or respond to questions, etc. If the Commission denies
54 my Request for Reconsideration, then I will only have thirty days to file a Petition
55 for Review with the Utah Supreme Court.

56 I have more questions than answers as stated several times in my Request for
57 Reconsideration. I must have some answers in order for the reconsideration
58 process to have an acceptable outcome. I can not sign off on the issues without
59 having any knowledge on those issues.

60 I assume that an applicant has to produce certain records to the Division before
61 the Division can agree to grant certain requests. If the applicant refuses to
62 provide the required records, then the Division's only option is to deny the
63 requests. There is no difference between the Division's need and my need in this
64 regard. I need access to the records in order to make a determination.

65 The problem is that the applicant and other parties in this docket number
66 believe that they do not have to follow the spirit of the law. The attitude of most
67 of the parties seems to be: "The intervener has no power and should just be
68 ignored until he gives up, makes a mistake, or misses a deadline." The
69 Commission must grant an order compelling discovery to dispel this attitude so
70 justice can be served.

71 CERTIFICATION:

72 I the movant, here by certify that I have in good faith attempted to confer with the
73 parties that have not responded to my discovery requests. I hereby submit (by
74 reference only) Request for Reconsideration Exhibit 1 (this was relabeled Exhibit
75 A by the PSC so I will refer to it as A rather than 1) as the main proof of my
76 efforts.

77 EXHIIBITS FOR THIS MOTION:

78 Exhibit A is attached by reference only since all parties already have it.

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79 Exhibits B, C and D are attached. The affected party was served as indicated by
80 the attached Certificates of Service. R746-100-8 of the Public Service
81 Commission Rules implied that discovery requests including the service of such
82 should not be filed with the PSC. If copy of the service should be given to the
83 PSC, then I request that the attached Exhibits be treated as fulfilling my filing
84 requirement and that they are hereby referred by reference only like Exhibit A.
85 All affected parties received a copy of Exhibits B, C, and D with this filing.

86 EXPLAINATON OF EXHIBITS:

87 Exhibit A:

88 1. Prior to December 13th (pages 2 through 4)

89 My efforts were to obtain status just to have the right to see the protected records.

90 2. December 13 (page 4 lines 81 through 83)

91 This request was for initial disclosures as allowed under Rule 26(a) of URCP so
92 that I would know who had what and when I could gain access to it. The Request
93 of discovery of All Records dated December 13th along with the certificate of
94 service is already on file with the PSC and all parties received a copy. The only
95 response I got was from Ms. Oliwia Smith of the Committee on December 22nd or
96 23rd. The Committee is the only party that has acknowledged my legal right to
97 receive documents.

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99 3. December 14 (page 5 lines 99 through 101)

100 I made a verbal request to Mr. Clark Allred, (applicant's attorney who was
101 assigned to confer with me) for some specific documents I wanted to see.

102 4. December 21 (page 6 lines 115 through 122)

103 Mr. Allred said that he would deliver some of the items that I had requested to my
104 place of work in Vernal, Utah. This was never done.

105 Exhibit B:

106 I made this Data Request to the applicant on January 2nd (effective date was the
107 3rd) when I did not receive anything from Mr. Clark from my prior verbal
108 requests.

109 January 6th I left a voice mail message for Mr. Allred requesting status of the
110 applicant's response to the Data Request.

111 January 7th I left a voice mail message for Mr. Allred, Mr. Stanley K. Stoll,
112 applicant attorney, and Ms. Glenna Stewart, UBTA secretary, requesting if any
113 records were available for me to pick up. Mr. Allred returned my call. He stated
114 that the applicant would not comply with any discovery efforts unless the
115 Commission granted my Request for Reconsideration.

116 Exhibits C & D:

117 I made these Data Requests to the Division and the Committee respectively on
118 January 6th (effective date is the 7th). These two data requests as well as Request

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119 No. 7 in Exhibit B (page 4) were done in an effort to obtain information for Issue
120 15 (page 6 lines 93 & 94) and Analysis Item 5 (pages 12 & 13 lines 213 through
121 229) of my Request for Reconsideration. I thought it only prudent for me to at
122 least attempt to support my accusations.

123 SUMMARY:

124 Through phone conversations with Mr. Paul H. Proctor, attorney for the
125 Committee, and Mr. Clark Allred, attorney for the applicant, it is my belief that
126 most of the documents that I want can only be obtained from the applicant. The
127 agencies either did not think to request these items or they only have portions
128 which do not provide the complete picture. This lack of knowledge of the
129 agencies was one of my issues in the Request for Reconsideration.

130 Mr. Allred has been stringing me along from day one. It was not until January
131 7th, that he admitted that the applicant was not going to respond to my Data
132 Requests. It is my belief that it will take a court order for the applicant to provide
133 me, the intervener, with most of the documents that I need to analyze.

134 Until I can examine all of the relevant documents, I will remain in the dark.
135 Someone has to turn on the lights before I can proceed in the correct direction.

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139 Dated this 10th day of January 2005

140 By _____

141 Intervener (representing self)

142 254 North 100 East (physical)

143 P O Box 263 (mailing)

144 Vernal, Utah 84078

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Order Compelling Discovery and Exhibits B, C, and D were served by email by me this 10th day of January 2005 to the following. A true and correct copy of Exhibit A was previously hand-delivered by me on December 27, 2004 to the following:

Stanley K. Stoll
Blackburn & Stoll, LC
257 East 200 South, Suite 800
Salt Lake City, Utah 84111
Email: sstoll@blackburn-stoll.com

Patricia Schmid
Division of Public Utilities
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, Utah 84111
Email: pschmid@utah.gov

Oliwia Smith
Utah Committee of Consumer Services
160 East 300 South
Salt Lake City, Utah 84111
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Brent Hansen