

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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) SECOND INTERIM
Local Exchange Carrier within the State) SCHEDULING ORDER
of Utah)

ISSUED: April 1, 2009

By the Commission:

All-American Telephone Co., Inc. (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 areas certificated to Beehive Telephone Company, Inc. In October 2008, the Division of Public Utilities (Division) moved for dismissal of the Company's Petition. On January 7, 2009, the Committee of Consumer Services also made a Motion to Dismiss the Petition. There was some dispute as to the nature of these proceedings, i.e. whether formal or informal. On January 15, 2009, the Commission issued an order stating that the proceedings were formal absent an order otherwise, and denied a request by the Company to designate them as informal. Additionally, the Commission stated that it would set another scheduling conference and stayed responses to the Committee's Motion pending the outcome of that scheduling conference. Afterward, issues regarding motions to intervene were also resolved.

On Tuesday, March 24, 2009, the Administrative Law Judge of the Commission held a duly noticed scheduling conference. The following counsel made appearances: Gary Guelker appeared for the Company; Alan Smith appeared for Beehive

Telephone Company; Judith Hooper, counsel for Beehive Telephone Company was also present; Steve Mecham appeared for the Utah Rural Telecom Association; Michael Ginsberg appeared for the Division along with other members of Division staff; Paul Proctor appeared for the Committee along with other members of Committee staff; appearing telephonically was Roger Moffitt, counsel for AT&T, along with a member of AT&T's regulatory staff.

Based on the information presented by interested persons and the discussion at the Scheduling Conference, and discussion via-emails subsequent to the Scheduling Conference, the Commission issues its Second Interim Scheduling Order as follows:

REPORT AND ORDER

All interested parties respond to the Division and the Committee's Motions On or before Tuesday, April 7, 2009

All-American and Beehive file the Motions to Dismiss/Motions for Summary Judgment On or before Tuesday, April 7, 2009

All parties respond to All-American and Beehive Motions as applicable On or before Wednesday, April 22, 2009

If parties wish to submit replies in support of their Motions, they should file those in accordance with Rule R746-100-4.

With regards to discovery, if a party feels it needs additional information during the filing of the responses to pending motions or initial filing of motions, it may conduct *informal* discovery during the filing of the moving and responding papers. Counsel for the Company and Beehive Telephone have stated that they would work with the Committee, AT&T and other parties in the informal exchange of information. All parties should be similarly cooperative in exchanging informal discovery as needed. As counsel for Beehive Telephone stated, “the parties...probably can resolve any discovery differences, as they should, cooperatively and voluntarily with a telephone call or e-mail exchange in the event that additional facts become necessary to process the motions.” However, *formal* discovery, e.g. data requests, responses to data requests, etc. is stayed pending the resolution of the motions or until otherwise ordered by the Commission. If a party feels it needs more substantive discovery besides that gathered in informal discovery, it may make a motion asking that formal discovery be had. It should detail why the information is needed for resolution of its motion or motions, and also detail why or how the existing record fails to provide the information it needs. Once the briefing is closed, and orders issued on the motions, the Commission will issue further orders for the resolution of this matter.

Once the briefing is closed, the Commission will issue an order on the Motions.

DATED at Salt Lake City, Utah, this 1st day of April, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

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Approved and confirmed this 1st day of April, 2009, as the Second Interim Scheduling Order 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#61410