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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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|---|---|------------------------------|
| |) | DOCKET NO. 08-2430-01 |
| In the Matter of the Petition of All American |) | |
| Telephone Co., Inc., for a <i>nunc pro tunc</i> |) | AT&T COMMUNICATIONS OF |
| Amendment of its Certificate of Authority |) | THE MOUNTAIN STATES, INC.'S |
| To Operate as a Competitive Local Exchange |) | AND TCG UTAH'S MEMORANDUM |
| Carrier within the State of Utah |) | IN SUPPORT OF THE UTAH |
| |) | COMMITTEE OF CONSUMER |
| |) | SERVICES' AND THE DIVISION |
| |) | OF PUBLIC UTILITIES' MOTIONS |
| |) | TO DISMISS |

In accordance with the Second Interim Scheduling Order dated April 1, 2009 in this docket, AT&T Communications of the Mountain States, Inc., and TCG Utah (collectively the "AT&T Companies"), submit the following response memorandum in support of the Utah Committee of Consumer Services' (the "Committee") and Division of Public Utilities' (the "Division") Motions to Dismiss. The AT&T Companies agree that the Petition of All American Telephone Co., Inc. ("All American") should be dismissed based on All American's actions in violation of the terms imposed upon and representations made by All American in seeking its Utah certificate. However, the AT&T Companies further agree with the position of the Committee that because All American acted knowingly in violation of the terms of its certificate, the Commission should issue a separate show cause order as to why All American's certificate

should not be cancelled entirely. See Committee's Response to Petition and Memorandum in Support of Motion to Dismiss at p. 2.

Besides the known violations of All American described in the Division and Committee filings, there are other facts militating in favor of dismissing All American's Petition and revoking its certificate. The Committee has already noted the director, Joy Boyd, that All American has in common with Joy Enterprises, the subject of a previous complaint that AT&T Corporation brought against Beehive Telephone Company. But there are other personnel in common between these two entities as well, including David Goodale, currently listed with the Utah Division of Corporations as Director and President of All American, and who is also an officer of Joy Enterprises. Mr. Goodale is also listed as a Director of Capital Telephone in South Dakota. Other listed officers of Capital , including Joy Boyd, Galya Doucet, and Wesley Doucet, are all affiliated with Joy Enterprises. Judith Hooper, who is or was Beehive's President, was also listed as All American's counsel in its 2006 Utah application for a certificate, and is the registered agent for All American with the Utah Division of Corporations. Because the AT&T entities have only recently been granted intervention in this docket, their investigations into All American, its related entities, and enforcement history with the Federal Communications Commission and the state commissions are still proceeding, and they hope to provide further information relating to these Motions as it becomes available, consistent with the Second Interim Scheduling Order.

Respectfully submitted this 6th day of April 2009.

By: _____/s/
Roger Moffitt
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of April, 2009, an original and five (5) true and correct copies of AT&T COMMUNICATIONS OF MOUNTAIN STATES, INC.'S AND TCG UTAH'S MEMORANDUM IN SUPPORT OF THE UTAH COMMITTEE OF CONSUMER SERVICES' AND THE DIVISION OF PUBLIC UTILITIES' MOTIONS TO DISMISS was placed in overnight mail and an electronic copy was sent via email (on April 7, 2009) to:

Ms. Julie Orchard
Commission Secretary
Public Service Commission of Utah
160 East 300 South, Fourth Floor
Salt Lake City, UT 84114
mlivingston@utah.gov

and a true and correct copy was emailed and mailed, postage prepaid thereon to:

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