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Attorneys for Beehive Telephone Company, Inc.

BEFORE THE UTAH PUBLIC SERVICE COMMISSION

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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. )  
)  
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**BEEHIVE TELEPHONE COMPANY, INC.’S,**

**REQUEST FOR ORAL ARGUMENT**

**BEFORE THE UTAH PUBLIC SERVICE COMMISSION**

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Beehive Telephone Company, Inc. (“Beehive” or “BTC”), has filed a motion to strike pleadings which have been filed by the 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. Beehive has filed a memorandum supporting these motions and opposing motions filed by the Utah Division of Public Utilities (“Division” or “UDPU”) and CSS which seek dismissal of the All American petition.

The arguments and counterarguments on these motions raise four issues of significant concern. (1) What is the permissible scope of regulatory action which the CSS, under its statutory charter, may undertake? (2) What is the proper interpretation of Utah Code, Section 54-8b-1.2(3)(d) which fixes a time-line for the processing of CLEC certification proceedings and how should that statute be applied under the circumstances of this case? (3) What is the proper interpretation of Utah Code, Section 54-8b-1.2(3)(c), the so-called “rural carve-out exemption” for competitive entry under the CLEC provisions of the Utah public utilities code, and how should that statute be applied under the circumstances of this case? (4) What does the term “public interest” mean, as used in Utah Code, Section 54-8b-1.2(2)(b), and, in particular, does it entail an inquiry respecting rate reform in connection the allowance or disallowance of competitive entry in any given case?

In Beehive’s view, these issues are matters of “significant public interest” within the meaning of Utah Code, Section 54-1-1(2)(a)(ii), and, therefore, should be heard by the Utah Public Service Commission as a whole, rather than through the Commission’s administrative law judge. Beehive, accordingly requests that this matter be heard by the Commission as a whole, pursuant to Section 54-1-1(2)(a)(ii), and that oral argument be had on the motions noted above.

Dated this 16<sup>th</sup> day of April, 2009.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing pleading was served this 16th day of April, 2009, by e-mailing a copy of the same to all parties who have entered an appearance electronically in this docket.

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