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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

IN THE MATTER OF THE PETITION OF )	<b>MOTION TO EXTEND DEADLINE</b>
ALL AMERICAN TELEPHONE CO., )	<b>FOR ALL AMERICAN’S AMENDED</b>
INC. FOR A <i>NUNC PRO TUNC</i> )	<b>PETITION UNTIL RESOLUTION OF</b>
AMENDMENT OF ITS CERTIFICATE )	<b>ALL AMERICAN’S MOTION FOR</b>
OF AUTHORITY TO OPERATE AS A )	<b>STAY</b>
COMPETITIVE LOCAL EXCHANGE )	
CARRIER WITHIN THE STATE OF )	Docket No. 08-2469-01
UTAH. )	

Petitioner, All American Telephone Company, Inc. (“All American”), by and through undersigned counsel, hereby moves the Commission to extend the deadline for All American to file its proposed Amended Petition until such time as the Commission rules on All American’s pending Motion for Stay. This motion is based on the following grounds:

All American’s original Petition sought a *nunc pro tunc* amendment to its Certificate of Public Convenience and Necessity (“CPCN”) that authorizes it to operate as a competitive local exchange carrier (“CLEC”) in the area currently certificated to Beehive Telephone Co., Inc. (“Beehive”). On April 8, 2009, All American and Beehive filed motions for summary decision in which they argued that All American’s Petition should be granted as a matter of law.

On June 16, 2009, the Commission issued an Order denying the motions for summary decision. As part of its decision, the Commission concluded that it had no authority to grant relief on a *nunc pro tunc* basis. It further concluded that this docket would be used to determine, *inter alia*, the extent to which All American's CPCN should be amended prospectively so as to permit All American to operate in Beehive's territory. Subsequently, at a July 9, 2009, Scheduling Conference, the Administrative Law Judge stated that All American could have until August 5, 2009 to file an Amended Petition that conformed with the Commission's decision.

On July 15, 2009, All American and Beehive submitted Applications for Review and Rehearing of the Commission's Order pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15. In conjunction with its Application, All American filed a Motion to Stay any further proceedings in this matter until the resolution of its Application and any subsequent judicial review. All American received responses to its Motion for Stay on July 30, 2009 and it now has until August 10, 2009 to file its reply memorandum.

All American believes its requested stay would serve the interests of efficiency and economy and would protect it from engaging in unnecessary litigation while the Commission's Order is under judicial review. For example, if the court determines that the Commission is authorized to grant relief on a *nunc pro tunc* basis, there may be no need for All American to file an Amended Petition. Likewise, if the court determines that the Commission no longer has jurisdiction over this matter, then the Commission has no authority to require an Amended Petition.

Based on the foregoing, All American respectfully requests the Commission to extend the deadline for its Amended Petition until such time as its Motion for Stay is resolved. Doing so would not prejudice the parties because the next Scheduling Conference is not until August 24, 2009. All American anticipates that its Motion for Stay will be resolved prior to that hearing so that it can file its Amended Petition prior to the conference if the requested stay is denied.

Dated this 5th day of August 2009.

**JENSON & GUELKER, LLC**

By:

JANET I. JENSON  
GARY R. GUELKER  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of May 2009, the foregoing **MOTION TO EXTEND DEADLINE FOR ALL AMERICAN'S AMENDED PETITION UNTIL RESOLUTION OF ALL AMERICAN'S MOTION FOR STAY** was sent by electronic mail and mailed by U.S. Mail, postage prepaid:

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