

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Consideration of the )  
Rescission, Alteration, or Amendment of the )  
Certificate of Authority of All American to )  
Operate as a Competitive Local Exchange )  
Carrier within the State of Utah )  
)

DOCKET NO. 08-2469-01

REPORT AND ORDER

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ISSUED: December 7, 2009

By The Commission:

This matter is before the Commission on All American's (Company) Motion to Stay filed November 9, 2009. The Company requests the Commission stay these proceedings pending the outcome of the appeal before the Supreme Court. The Commission denies the Motion to Stay in this matter for the reasons previously stated in our August 24, 2009.

Additionally, in order to ensure the most complete evidentiary basis for a Commission decision in this matter, the parties must conclude the current discovery process. Discovery is still ongoing as to whether the Company should be allowed to compete in Beehive's territory, and as to the effect any of the Company's actions in operating in Beehive's territory should affect its own certificate. The 240-day cutoff for a decision on the amended application is April 28, 2010, with a hearing set for March 2010. Further, the first round of testimony is due in mid-January, with responsive and reply testimony due shortly thereafter. The compressed schedule, along with the discovery still needed, makes it necessary that this matter move forward to ensure the parties can present the most complete evidence during the filing of testimony and before the Commission at the hearing. A stay at this point would only delay a Commission decision which is needed to determine the rights of the Company, and which would possible affect the public interest.

DOCKET NO. 08-2469-01

- 2 -

DATED at Salt Lake City, Utah, this 7<sup>th</sup> day of December, 2009.

/s/ Ruben H. Arredondo  
Administrative Law Judge

Approved and confirmed this 7<sup>th</sup> day of December, 2009, as the Report and 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#64616