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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE PETITION OF
ALL AMERICAN TELEPHONE CO., INC.
FOR A *NUNC PRO TUNC* AMENDMENT
OF ITS CERTIFICATE OF AUTHORITY TO
OPERATE AS A COMPETITIVE LOCAL
EXCHANGE CARRIER WITHIN THE
STATE OF UTAH

MOTION TO COMPEL

Docket No. 08-2469-01

The following is a Motion to Compel All American Telephone Company (AATCO) to respond to the outstanding discovery that has been served on it in this proceeding by the Division of Public Utilities (DPU) and Qwest and in support of this Motion the Division states as follows:

1. Both the Division and Qwest have outstanding discovery that is significantly overdue. Nothing has been filed by AATCO either formally objecting to the discovery or advising formally the Commission that they need additional time. Instead, it appears that AATCO is trying to avoid disclosing information to the Commission relating to its service in the Beehive ILEC territory. Failure to provide information in a timely

manner significantly prejudices the Commission's ability to adequately address the issues in the proceeding.

2. A Division data request was sent to AATCO on October 8, 2009. Qwest send its discovery request to AATCO on October 19, 2009. No responses of any kind have been received. Shortly after the due date of the Division's request the Division contacted AATCO to determine the status of the answers. It was informed that responses would be received promptly. The Division has no knowledge of the status of the Qwest data requests. Instead of providing answers, AATCO instead filed the Motion to Stay discovery pending the request for a stay before the Utah Supreme Court.

3. The Commission denied the request to stay discovery. AATCO was contacted to determine if they were going to answer the questions promptly now that the Motion to stay had been denied. No response to that inquiry has been received.

4. The failure to promptly answer discovery has potentially significantly prejudiced the Commission's ability to address the issues raised in this proceedings. It is making it more difficult to in a timely way conduct additional discovery when the first set of questions have not been answered. The Division requests that an Order compelling AATCO to promptly answer the discovery of the Division and Qwest be issued.

RESPECTFULLY SUBMITTED, this sixteenth day of December 2009.

/s/Michael L. Ginsberg
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Attorneys for the Division
of Public Utilities

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing RESPONSE BY DEPARTMENT OF PUBLIC UTILITIES was sent by electronic mail and mailed by U.S. Mail, postage prepaid, to the following on December 16th, 2009:

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