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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE PETITION OF)	ALL AMERICAN'S MEMORANDUM
ALL AMERICAN TELEPHONE CO.,)	IN OPPOSITION TO OFFICE OF
INC. FOR A <i>NUNC PRO TUNC</i>)	CONSUMER SERVICES' MOTION
AMENDMENT OF ITS CERTIFICATE)	TO SHORTEN TIME
OF AUTHORITY TO OPERATE AS A)	
COMPETITIVE LOCAL EXCHANGE)	Docket No. 08-2469-01
CARRIER WITHIN THE STATE OF)	
UTAH.)	

Petitioner, All American Telephone Company, Inc. ("All American"), by and through undersigned counsel, hereby submits the following memorandum in opposition to the Office of Consumer Services' ("OCS") motion to shorten time.

ARGUMENT

The OCS has been a participant in this matter since January 2009. During this year-long time period, the OCS served All American with a single set of data requests, which were propounded in April 2009. That is until approximately three weeks before the hearing on All American's petition, when the OCS decided to serve All American with two additional sets of data requests containing 29 specific requests for information.¹ Furthermore, since the hearing is quickly approaching, the

¹ Copies of these requests are attached hereto as Exhibit "A".

OCS has asked the Commission to shorten the amount of time within which All American has to answer these requests from twenty-one days to ten days. In doing so, the OCS contends that “the Commission’s customary practice is to shorten the time to respond to accommodate the parties’ needs as responsive and reply testimony is filed.”

As an initial matter, All American would not be opposed to shortening the time for responding to data requests if the requests were intended to follow-up on and clarify matters specifically raised in All American’s opening testimony.² However, a review of the OCS’s requests reveals that it is seeking information that goes far beyond the scope of such opening testimony. In fact, the requests do not even reference All American’s opening testimony. Rather, they request things such as information related to All American’s federal lawsuits against AT&T and Sprint, copies of All American’s tax returns, correspondence between All American and Beehive and billing information. While some of these items are arguably relevant, the OCS’s need for such information should have been anticipated long before now. They certainly do not address matters that were raised for the first time in All American’s opening testimony.

The OCS presumably had concerns regarding All American’s petition at the time it intervened in this matter. It had many months to serve data requests in order to obtain information and explore such concerns. However, it chose not to serve any substantive requests until three weeks before the hearing. All American should not have to bear any additional burdens to resolve the timing issues resulting from the OCS’s decisions. Therefore, All American respectfully requests that

² In this case, All American filed its opening direct testimony with the Commission on January 19, 2009.

the OCS's motion to enlarge time be denied.

Dated this 16th day of February 2009.

JENSON & GUELKER, LLC

By: _____
GARY R. GUELKER
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2009, the foregoing **ALL AMERICAN'S MEMORANDUM IN OPPOSITION TO OFFICE OF CONSUMER SERVICES' MOTION TO SHORTEN TIME** was sent by electronic mail and mailed by U.S. Mail, postage prepaid:

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