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ATTACHMENT 1
(Reply in Support of Motion
Shorten Time)

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petition of All)	
American Telephone Co., Inc. For a)	
<i>Nunc Pro Tunc</i> Amendment of Its)	Docket No. 08246901
Certificate of Authority to Operate as a)	
Competitive Local Exchange Carrier)	
Within the State of Utah.)	

RESPONSE TO DATA REQUESTS

All American Telephone Co., Inc. (AATCO) responds to the data requests submitted by the Utah Committee of Consumer Services (UCCS) as follows. Although the data requests are dated January 7, 2009, and purportedly were served on that date, they in fact were served on April 6, 2009 and only upon counsel for AATCO.

GENERAL OBJECTIONS

AATCO objects to all of the data requests for the following reasons.

1. UCCS has not been authorized to appear and participate in this docket. The data requests therefore are null and void.
2. Any authorization of UCCS did not occur at a meeting which complies with the Utah Open Meetings Act. The data requests therefore are null and void.
3. Even if authorized, UCCS has no standing to appear and participate in this docket. The data requests therefore are null and void.

4. UCCS has not intervened in this docket, and, therefore, in any case, is not a party entitled to seek discovery. The data requests therefore are null and void.

5. UCCS did not enter an appearance in this docket until January 7, 2009 – until after the 240 day deadline, found at Utah Code, Section 54-8b-2.1(3)(d), had expired. As of that time, AATCO’s petition was deemed granted. Any objections to the petition were overruled and moot at that juncture. Discovery requests seeking to prove such objections likewise had been overruled or become moot.

6. AATCO’s petition and prayer for relief establishes the only issues which are relevant for consideration within this docket. The discovery sought by UCCS, in large measure, is not relevant to these issues. Even if the discovery sought by UCCS were relevant to these issues, the phrasing of the discovery requests is overbroad, since it seeks information outside the scope of the relationship between AATCO and Beehive which is being addressed in this docket. AATCO will not provide any information beyond the scope of that relationship as addressed in this docket. Likewise, many if not all of the UCCS discovery requests are vaguely or ambiguously worded. Nobody can respond intelligently or effectively in view of these vagueness and ambiguity and AATCO will not undertake to do so below.

7. UCCS has not filed a complaint in intervention as required by the rules of civil procedure which are incorporated by reference in the procedural rules of the Utah Public Service Commission. Nor has UCCS filed a pleading which sets forth its claims or defenses as required by the Utah Administrative Procedures Act. Absent these pleadings, it is impossible to determine what is at issue, from the UCCS’s standpoint, in connection with this docket. The parameters for what is relevant discovery, therefore, are impossible

to measure insofar as UCCS is concerned. AATCO objects to discovery in a docket where the parties have no idea what is relevant or irrelevant.

8. The Utah Public Service Commission (UPSC or Commission) has issued a protective order in this docket. The protective order, fairly read, permits informal discovery, by telephone exchange, but proscribes formal discovery through data requests. In derogation of this order, the UCCS not only issued data requests, but also insisted that they be answered. AATCO objects to discovery requests which are made in violation of the order of the Commission.

9. The UCCS data requests call upon AATCO to give information in violation of the attorney-client privilege and the attorney work product rule. AATCO objects to the data requests for these two, additional reasons.

ANSWERS TO DATA REQUESTS

Without waiving any of the foregoing objections, or any of the specific objections which are set forth below, AATCO answers the UCCS data requests as follows.

1. Provide an unredacted copy of the All American and Beehive interconnection agreements filed with the Commission on May 24 and June 11, 2007, Docket Nos. 07-051-01, 07-051-02, and 07-051-03, together with all pleadings or correspondence that accompanied the filings.

Answer: The official agreement, as approved by the UPSC, is on file with the Commission. Pleadings and correspondence also are on file with the Commission.

2. Provide an unredacted copy of any contract, agreement or understanding, or any document memorializing or referencing the same, that provides for shared

terminating access revenues by All American, or any All American affiliate, and Beehive, or any Beehive affiliate.

Answer: There is no such revenue sharing and, accordingly, there are no such documents.

3. Did All American and Beehive have an oral or written understanding prior to all American receiving a certificate of convenience and necessity, committing to or agreeing to an interconnection agreement?

Answer: No.

4. Has All American requested, negotiated or entered any interconnection agreement with any telecommunications company operating within Utah, other than its interconnection agreement with Beehive? Provide any documentation of any such request, negotiation, or agreement.

Answer: No.

5. Does All American contend that it has no obligation to disclose in its application to approve the Beehive interconnection agreement that interconnection with Beehive was expressly abandoned in All American's application for a certificate of convenience and necessity?

Answer: AATCO's legal position respecting what it may contend or be entitled to contend is a matter of attorney work product and, therefore, privileged and protected. To the extent this data request requires the disclosure of this attorney work product, AATCO objects to answering and will not answer. The circumstances surrounding AATCO's application for a CPCN were a matter of record with the UPSC; disclosure or non-disclosure of those circumstances after the fact was a moot point. The circumstances

surrounding AATCO's application for a CPCN were well known to the parties in interest, including the Utah Division of Public Utilities, to the interconnection docket; disclosure or non-disclosure of those circumstances after the fact was a moot point. AATCO objects to the question's characterization that "interconnection with Beehive was expressly abandoned in All American's application for a certificate of convenience and necessity[.]" That is a mischaracterization of the circumstances surrounding any docket at the UPSC to which AATCO has been a party.

6. Did All American disclose to Beehive that interconnection with Beehive was expressly abandoned in All American's application for a certificate of convenience and necessity?

Answer: Please see answer to data request number 5 above.

7. Did All American disclose to Beehive that in All American's February 20, 2007 Amended Application, All American excluded exchanges with less than 5000 access lines that are served by incumbent telephone corporations with fewer than 30,000 access lines in the state, described by All American as the "standard rural carve-out"?

Answer: Please see answer to data request number 5 above.

8. Provide a copy of each Annual Report filed by All American as required by Exhibit B to the March 7, 2007 Report and Order in Docket No. 06-2469-01.

Answer:

9. Does All American believe that the March 7, 2007 Report and Order in Docket No. 06-2469-01 and the certificate granted therein, includes authority for All American to operate in exchanges with less than 5000 access lines that are served by incumbent

telephone corporations with fewer than 30,000 access lines in the state? If so, state the language in the order that grants this authority.

Answer: Please see answer to data request number 5 above.

10. Does All American contend that All American mistakenly understood that the territorial scope of the certificate granted by the March 7, 2007 Report and Order in Docket No. 06-2469-01 included any exchange with less than 5000 access lines that are served by incumbent telephone corporations with fewer than 30,000 access lines in the state? If so, state the specific part or parts of the order that All American contends contributed to or caused All American to mistakenly understand the territorial scope of the certificate.

Answer: Please see answer to data request number 5 above.

Dated this 6th day of May, 2009.

JENSON & GUELKER, LLC

By: _____
GARY R. GUELKER

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing pleading, Response to Data Requests, was served this 7th day of May, 2009, by e-mailing a copy of the same to Paul Proctor.
