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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE PETITION OF)	MOTION IN LIMINE TO PROHIBIT
ALL AMERICAN TELEPHONE CO.,)	THE DIVISION AND THE OCS FROM
INC. FOR A <i>NUNC PRO TUNC</i>)	OPPOSING ALL AMERICAN’S
AMENDMENT OF ITS CERTIFICATE)	PROPOSED AMENDMENT TO ITS
OF AUTHORITY TO OPERATE AS A)	CERTIFICATE AND/OR SEEKING
COMPETITIVE LOCAL EXCHANGE)	THE RECISSION OF ALL
CARRIER WITHIN THE STATE OF)	AMERICAN’S CERTIFICATE
UTAH.)	
)	Docket No. 08-2469-01
)	
)	

Petitioner, All American Telephone Company, Inc. (“All American”), by and through undersigned counsel, hereby moves the Public Service Commission (“Commission”) to prohibit the Division of Public Utilities (“Division”) and Office of Consumer Services (“OCS”) from (1) opposing All American’s proposed amendment to its Certificate of Public Convenience and Necessity (“CPCN”), (2) seeking the recision of All American CPCN at the hearing in this matter scheduled for March 3-4, 2010, and/or (3) introducing any evidence at the hearing in support of these positions. This motion is based on the grounds that neither the Division nor the OCS indicated whether they intended to oppose All American’s petition until nineteen days before the hearing was scheduled to take place. This is despite the fact that both parties were served with interrogatories

five months ago that asked them to state their positions and identify any factual support. Therefore, the Division and OCS should be precluded from asserting these last-minute positions and evidence at the hearing pursuant to Utah R.Civ. P. 37(f), as applied to this matter by Utah Admin. Code R746-100-8.

This Motion is more fully supported by a memorandum of points and authorities filed herewith.

Dated this 26th day of Feb 2010.

JENSON & GUELKER, LLC

By: _____
GARY R. GUELKER
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of November 2010, the foregoing **MOTION IN LIMINE TO PROHIBIT THE DIVISION AND THE OCS FROM OPPOSING ALL AMERICAN'S PROPOSED AMENDMENT TO ITS CERTIFICATE AND/OR SEEKING THE RECISION OF ALL AMERICAN'S CERTIFICATE** was sent by electronic mail to the following:

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