

Docket No. 08-2469-01

Request from All American for Permission to allow Witness to Appear Telephonically

February 26, 2010

1. Request from All American
2. Objection from Qwest
3. Response from All American

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**Ruben Arredondo - In re All American**

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**From:** "Gary Guelker" <gary@jandglegal.com>  
**To:** "Paul Proctor" <pproctor@utah.gov>, "Michael Ginsberg" <mginsberg@utah.gov>, "Thomson, George" <George.Thomson@qwest.com>, <roger.moffitt@att.com>, <BEvans@parsonsbehle.com>, <alanakaed@aol.com>, <sfmecham@cnmlaw.com>  
**Date:** 2/26/2010 10:10 AM  
**Subject:** In re All American  
**CC:** <RARREDONDO@utah.gov>

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Gentlemen:

All American's President, David Goodale, had planned on traveling to Salt Lake from Texas to testify in person at Wednesday's hearing. This morning I received a call from him indicating that due to the weather out east and the ripple effect it has had on air traffic, his flight has been cancelled and he is having extreme difficulties finding a way to Salt Lake. In addition, his wife has apparently become rather ill. He has asked that he be allowed to participate in Wednesday's hearing via telephone. He will be available for the entire hearing for cross examination and participate fully. Please let me know if this will be acceptable or whether you have any objections.

Regards,

Gary

**Gary R. Guelker**

**Jenson & Guelker, LLC**

**747 East South Temple, Suite 130**

**Salt Lake City, Utah 84102**

**801-579-0800 (Office)**

**801-579-0805 (Direct)**

**801-579-0801 (Fax)**

**Ruben Arredondo - RE: In re All American**

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**From:** "Thomson, George" <George.Thomson@qwest.com>  
**To:** "Gary Guelker" <gary@jandglegal.com>, "Paul Proctor" <pproctor@utah.gov>, "Michael Ginsberg" <mginsberg@utah.gov>, "roger.moffitt@att.com" <roger.moffitt@att.com>, "BEvans@parsonsbehle.com" <BEvans@parsonsbehle.com>, "alanakaed@aol.com" <alanakaed@aol.com>, "sfmecham@cnmlaw.com" <sfmecham@cnmlaw.com>  
**Date:** 2/26/2010 10:25 AM  
**Subject:** RE: In re All American  
**CC:** "RARREDONDO@utah.gov" <RARREDONDO@utah.gov>

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②

Gary – Qwest, for one, would have an objection to Mr. Goodale not appearing in person. AATCO carries the burden here, and has put forth only one witness to meet the burden. Among other things, his credibility is at issue, and I believe his attendance in person is the best way for the ALJ to determine that and other issues. Qwest might agree to a reasonable schedule adjustment, but we note that the hearing is still 5 days off.

George Baker Thomson, Jr.  
Corporate Counsel  
Qwest Corporation  
1801 California St, Suite 1000  
Denver, CO 80202  
303-383-6645  
303-383-8588 (Fax)  
George.Thomson@Qwest.com

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**From:** Gary Guelker [mailto:gary@jandglegal.com]  
**Sent:** Friday, February 26, 2010 10:10 AM  
**To:** 'Paul Proctor'; 'Michael Ginsberg'; Thomson, George; roger.moffitt@att.com; BEvans@parsonsbehle.com; alanakaed@aol.com; sfmecham@cnmlaw.com  
**Cc:** RARREDONDO@utah.gov  
**Subject:** In re All American

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**Ruben Arredondo - Docket No. 08-2469-01**

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**From:** "Gary Guelker" <gary@jandglegal.com>  
**To:** <RARREDONDO@utah.gov>  
**Date:** 3/2/2010 8:44 AM  
**Subject:** Docket No. 08-2469-01  
**CC:** <alanakaed@aol.com>, <sfmecham@cnmlaw.com>, "Michael Ginsberg"  
<mginsberg@utah.gov>, "Paul Proctor" <pproctor@utah.gov>,  
<BEvans@parsonsbehle.com>, "Thomson, George" <George.Thomson@qwest.com>,  
<roger.moffitt@att.com>

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(3)

Judge Arredondo:

I am writing to follow-up on our discussions yesterday at the pre-hearing conference in the above docket. In the course of discussing All American's Motion in Limine, you indicated that the Commission may be willing to grant a brief continuance as a way to remedy the issues raised in the motion. However, All American does not believe that a brief continuance is an adequate remedy for Division and OCS's failure to answer discovery and therefore it is not willing to accept the proposed continuance in lieu of the relief sought in its motion. As such, All American will assume that the hearing will proceed as originally scheduled.

Thank you for your consideration of this issue.

Respectfully yours,

Gary R. Guelker

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