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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Beehive Telecom, Inc. for an amended Certificate of Public Convenience and Necessity to Provide Local Exchange Services within the State of Utah	DOCKET NO. 09-051-02 Petition to Intervene of the Utah Rural Telecom Association
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The Utah Rural Telecom Association (“URTA”), a non-profit corporation comprised of members All West Communications, Bear Lake Communications, Beehive Telephone,¹ Carbon/Emery Telcom, Central Utah Telephone, Direct Communications Cedar Valley, Emery Telcom, Gunnison Telephone, Hanksville Telcom, Manti Telephone, Skyline Telecom, South Central Utah Telephone Association, Strata Networks, and Union Telephone (“URTA members”) petitions the Public Service Commission (“Commission”) to intervene in the above-entitled matter pursuant to Utah Code Ann. § 63G-4-207 and Utah Admin. Code § R746-100-7.

The grounds for this petition are as follows:

1. On April 6, 2009, Beehive Telecom, Inc. (“BTI”), a competitive local exchange carrier, filed an application with the Commission seeking certification to serve all exchanges throughout the state with more than 5,000 access lines. URTA had no interest in BTI’s application and did not petition to intervene.
2. On July 13, 2009, BTI amended its application and narrowed its request to territory in or near Moab and Bullfrog served by Frontier Telephone (“Frontier”). BTI

¹ Beehive Telephone is an affiliate of Beehive Telecom, Inc. and will not participate in this docket as a member of URTA.

did not specify the exchanges in which it seeks to serve and indicated that it does not intend to enter exchanges with fewer than 5,000 access lines "...unless there are any such exchanges in or near Moab or Bullfrog."²

3. The Commission's scheduling order issued in this proceeding June 16, 2009 set an intervention deadline of July 20, 2009.

4. Following the intervention deadline, URTA confirmed with Frontier that at least one of the exchanges where BTI is requesting to serve has fewer than 5,000 access lines. Frontier is not a member of URTA and consequently does not have regular contact with URTA.

5. URTA members are local exchange carriers providing public telecommunications services in Utah pursuant to certificates of public convenience and necessity issued by this Commission. They serve rural exchanges in the state with fewer than 5,000 access lines.

6. URTA's interest in this proceeding is BTI's potential entry into a Frontier exchange with fewer than 5,000 access lines. To date, the Commission has not permitted such entry. To the extent this proceeding establishes precedent allowing applicants to enter rural exchanges with fewer than 5,000 access lines to provide telecommunications services, URTA and URTA members have a significant legal interest that may be substantially affected by the outcome.

7. URTA acknowledges that the Commission set a July 20, 2009 intervention deadline, but BTI's amended application is essentially a new application and is significantly different from the original application. It is unusual to have an intervention deadline set one week after an amendment as significant as BTI's is filed and it is not

² BTI amended application, p.2.

required by the remainder of the schedule set in this proceeding.

8. This docket is a formal adjudicative proceeding in which intervention is permitted under Utah Code Ann. § 63G-4-207 and Utah Admin. Code § R746-100-7.

9. URTA's intervention and participation in this matter will not materially impair the prompt and orderly conduct of these proceedings. URTA will participate in accordance with the rest of the schedule established in the June 16, 2009 scheduling order. Neither BTI nor any other party to this proceeding therefore will be prejudiced by URTA's participation. If the Commission grants URTA's petition, URTA requests that copies of all notices and filings in this docket be served on:

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NOW THEREFORE, URTA respectfully requests that the Commission waive the intervention deadline and enter an Order granting URTA's petition to intervene in this docket allowing URTA to participate to the full extent allowed by law.

Dated this 30th day of July, 2009.

CALLISTER NEBEKER & MCCULLOUGH

Stephen F. Mecham

Certificate of Service

I hereby certify that on this 30th day of July, 2009 I caused to be emailed a true and correct copy of the Petition to Intervene of URTA in Docket No. 09-051-02 to the following:

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