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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	MOTION TO DISMISS DOCKET NO. 09-051-02
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The following is a Motion to Dismiss the Application of Beehive Telecom for an Amendment to its Certificate of Public Convenience and Necessity and in support the Division of Public Utilities (Division or DPU) states:

1. On April 6, 2009 Beehive Telecom (Beehive) filed an Application to amend its Certificate to serve all exchanges throughout the state with more than 5,000 access lines.
2. On July 13 Beehive amended its Application narrowing its request to the Moab exchange. In addition Beehive added the Lake Powell exchange of Frontier, which is an exchange less, then 5,000 access lines. This would be the first full request for an

exchange of less than 5,000-access lines. A hearing of potentially significant public importance.

3. On June 16 a scheduling conference was held with the ALJ. This scheduling conference was held believing that Beehive's request did not include exchanges less than 5,000 access lines. At that scheduling conference Beehive was to file its direct testimony on August 3, 2009. No testimony has been filed to date.

4. For failure to file its testimony the DPU request that the Commission dismiss this Application. Alternatively, if the testimony is filed before ruling on this Motion the DPU requests that a new scheduling conference be held to re schedule this docket.

5. The DPU also requests that if Beehive continues to request to serve in exchanges of less than 5,000 access lines that the scheduling conference address the time needed to respond to such an Application that may differ materially from the schedule established in June.

RESPECTFULLY SUBMITTED, this _____ day of August, 2009.

Michael L. Ginsberg
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of Public Utilities

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing MOTION TO DISMISS was sent by electronic mail and mailed by U.S. Mail, postage prepaid, to the following on August ____, 2009:

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