

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of The Manti Telephone Company for an Order Approving the Acquisition of the Voting Stock of The Manti Telephone Company by Lynch Telephone Corporation X	<p style="text-align: center;"><u>DOCKET NO. 24-046-03</u></p> <p style="text-align: center;"><u>ORDER DENYING IN PART JOINT MOTION TO VACATE SCHEDULING ORDER EXCEPT FOR THE HEARING DATE</u></p>
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ISSUED: November 5, 2024

On September 5, 2024, The Manti Telephone Company (“Manti”) and Lynch Telephone Corporation X (“Lynch”) jointly filed the above application. A scheduling conference was held, and a Scheduling Order and Notice of Hearing was issued setting certain dates for this docket (“Scheduling Order”). As relevant here: (1) direct testimony of parties other than Manti and Lynch (“Applicants”) is due November 6, 2024 (“Non-Party Testimony”); (2) the deadline for intervention is November 13, 2024 (“Intervention Deadline”); (3) rebuttal testimony is due November 15, 2024 (“Rebuttal Testimony”); and (4) the evidentiary hearing is December 4, 2024 (“Hearing”).

On October 29, 2024, Applicants and the Division of Public Utilities (DPU) filed a Settlement Stipulation. On October 31, 2024, Applicants and DPU filed a Joint Motion to Vacate the Scheduling Order Except for the Hearing Date (“Motion to Vacate”), representing that the “Settlement Stipulation resolves all contested issues in this docket[,]” and therefore seek to vacate “all dates in the Scheduling Order, except for the” December 4, 2024 hearing date.<sup>1</sup> The Motion to Vacate further asserts that “because this is a Joint Motion of all parties and the time for briefing ... will not expire

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<sup>1</sup> Motion to Vacate at 2.

before the deadlines for filing testimony (non-party direct and rebuttal) and intervention,"<sup>2</sup> expedited treatment is requested.

It appears that, because the Applicants and DPU believe the Settlement Stipulation has resolved this docket, the Motion to Vacate seeks to at least avoid what they also believe is likely the unnecessary submission of the Non-Party Testimony by the November 6, 2024 deadline. However, while the general basis for the Motion to Vacate is well taken, the Scheduling Order's deadline for intervention is not until November 13, 2024, which means that some person or entity may still seek to intervene and join this docket as a party until that date. Thus, the Motion to Vacate is largely premature.

Accordingly, balancing the representations in the Motion to Vacate against the Scheduling Order's deadlines, we are:

1. Denying the Motion to Vacate, in part;
2. Suspending the Non-Party Testimony and Rebuttal Testimony deadlines in the Scheduling Order, subject to rescheduling if intervention is sought on or before the Intervention Deadline and thereafter granted;
3. Maintaining the Intervention Deadline in the Scheduling Order; and
4. Granting the Motion to Vacate relating to maintaining the Hearing set in the Scheduling Order.

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<sup>2</sup> *Id.*

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DATED at Salt Lake City, Utah, November 5, 2024.

/s/ John E. Delaney  
Presiding Officer

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#336398

CERTIFICATE OF SERVICE

I CERTIFY that on November 5, 2024, a true and correct copy of the foregoing was served upon the following as indicated below:

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