

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of All)
American Telephone Co., Inc., for a *nunc*) DOCKET NO. 08-2469-01
pro tunc Amendment of its Certificate of)
Authority to Operate as a Competitive)
Local Exchange Carrier within the State) INTERIM SCHEDULING ORDER
of Utah)

ISSUED: December 3, 2008

By the Commission:

The Company filed its Petition on or about May 2, 2008, asking the Commission to amend its certificate, *nunc pro tunc*, and permit it to operate as a competitive local exchange carrier within areas certificated to Beehive Telephone Company, Inc. During these proceedings, the Division of Public Utilities (DPU) sent data requests to which the Company responded. The Company did not respond to DPU's second set of data requests because it viewed these proceedings as informal, and contended it had no obligation to respond to any requests. In response, DPU filed a Request moving for dismissal of the Company's Petition (Request), or in the alternative, an order designating these proceedings as formal. Additionally, DPU requested the Commission compel the Company's response to the second set of data requests.

On November 10, 2008, the Company filed a request for an extension of time. It represented that it and DPU had agreed to attempt to resolve concerns DPU raised in its Request. Based on these representations, the Company requested its response be continued until further negotiations have been completed and after a scheduling conference could be held.

The Administrative Law Judge conducted a duly noticed scheduling conference on December 2, 2008, with counsel for the Company and also counsel for DPU present. Other interested parties also attended. Based on the information presented by interested persons and the discussion at the Scheduling Conference, it became apparent that the parties would need a resolution to their dispute as to the nature of these proceedings, i.e. whether they are informal or formal, before any other substantive issues could be resolved.

REPORT AND ORDER

Therefore, the Commission makes the following interim scheduling order to permit further briefing to resolve the pending dispute and allow this matter to proceed:

**All-American Telephone Co.
and other interested parties
respond to DPU's Motion**

On or before Tuesday,
December 23, 2008

**DPU replies to All-American
Telephone Co.'s Response**

On or before Wednesday,
January 7, 2009

**All interested parties reply to
All-American Telephone Co.'s
Response to DPU's Motion**

On or before Wednesday,
January 7, 2009

Once the briefing is closed, the Commission will issue an order on the Motion, and a scheduling conference will be set to schedule further items consistent with the Commission's order.

DOCKET NO 08-2469-01

-3-

DATED at Salt Lake City, Utah, this 3rd day of December, 2008.

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 3rd day of December 2008, as the Interim
Scheduling Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#59973