

CARLSMITH BALL LLP

ELYZE M. IRIARTE
eriararte@carlsmith.com
Bank of Hawaii Bldg., Suite 401
134 West Soledad Avenue
Hagåtña, Guam 96932-5027
Telephone No. 671.472.6813
Facsimile No. 671.477.4375

Attorneys for Appellant
Teleguam Holdings, LLC and its wholly owned subsidiaries

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 11/26/12

TIME: 3:55 AM PM BY: MT

FILE NO OPA-PA: 12-014

IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

IN THE APPEAL OF

TELEGUAM HOLDINGS LLC and its
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM LLC; GTA SERVICES LLC and
PULSE MOBILE LLC,

Appellants.

Docket No. OPA-PA-12-016

**OBJECTION TO PACIFIC DATA
SYSTEMS, INC.'S REQUEST FOR
HEARING**

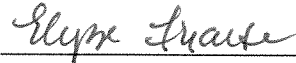
Appellant Teleguam Holdings, LLC and its wholly owned subsidiaries object to Pacific Data Systems, Inc.'s untimely Request for a Hearing in OPA-PA-12-016. A "Request for a hearing *shall* be made prior to the expiration of the time period allowed for filing comments on the agency report" 2 GAR Div. 4 § 12108(a). Thus, the deadline to request a hearing in this case was the deadline for the Comments, November 5, 2012. PDS, however, did not request a hearing in its Comments or at any time prior, effectuating a waiver.

Instead, twenty-one days after the mandatory deadline to request a hearing, PDS now makes a request after admitting on the record at the Pre-hearing Conference that it waived such request. PDS' request for a hearing is untimely and non-compliant with section 12108(a). GTA did initially request a hearing, but has now waived a hearing. Because PDS did not timely

request a hearing, both parties have waived a hearing. The OPA should therefore deny PDS' request and consider the matter as submitted on the record.

DATED: Hagatna, Guam, 26 November, 2012.

CARLSMITH BALL LLP



ELYZE M. IRIARTE
Attorneys for Appellant
Teleguam Holdings, LLC and its wholly
owned subsidiaries