

1 **BERMAN O'CONNOR & MANN**
Suite 503, Bank of Guam Bldg.
2 111 Chalan Santo Papa
Hagåtña, Guam 96910
3 Telephone No.: (671) 477-2778
Facsimile No.: (671) 477-4366

4 Attorneys for:
5 **PACIFIC DATA SYSTEMS, INC.**

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PROCUREMENT APPEALS

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7 **OFFICE OF PUBLIC ACCOUNTABILITY**
8 **PROCUREMENT APPEALS**

9 IN THE APPEAL OF

10 TELEGUAM HOLDINGS, LLC AND ITS
WHOLLY OWNED SUBSIDIARIES,
11 GTA TELECOM, LLC; GTA SERVICES,
LLC; AND PULSE MOBILE LLC,

12 Appellants.

OPA Docket No. OPA PA 12-016

**PACIFIC DATA SYSTEMS, INC.'S
MOTION TO RECONSIDER
CONSOLIDATION**

13 IN THE APPEAL OF
14 PACIFIC DATA SYSTEMS, INC.,

15 Appellant.

OPA Docket No. OPA PA 12-017

16 IN THE APPEAL OF
17 TELEGUAM HOLDINGS LLC and its
WHOLLY OWNED SUBSIDIARIES,
18 GTA TELECOM LLC; GTA SERVICES
LLC and PULSE MOBILE LLC,

19 Appellants.

OPA Docket No. OPA PA 12-018

20
21 Now comes Pacific Data Systems, Inc. ("PDS") and moves the Public
22 Auditor to reconsider the consolidation of the above-referenced appeals, and as
23 grounds therefore states as follows:

24 1. At the Pre-Hearing Conference in OPA-PA-12-016 on November 20,
25 2012, the Public Auditor announced that the three above-captioned appeals would be
26 consolidated. There was no discussion of the consequences of that consolidation.

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2. In preparing for the pre-hearing activity in the consolidated appeals, PDS has concluded that consolidation of the three appeals is highly inefficient and potentially a waste of time of both the Public Auditor and those involved in the appeals.

3. PDS respectfully submits that the most efficient way to handle these three appeals would be to first decide the appeal in OPA-PA-12-017. A ruling in favor of PDS on this appeal will moot the other two appeals, since it would result in the disqualification of GTA in the procurement. In addition, OPA-PA-12-017 presents only legal issues. PDS has already waived its right to a hearing in that appeal. Although GTA did not waive its right to a hearing, the hearing could be brief since it would consist only of legal argument.

4. In the event OPA-PA-12-017 is resolved adversely to PDS, then PDS submits that the next step should be a ruling on the Motion to Dismiss filed by PDS in OPA-PA-12-016. If that Motion to Dismiss is granted, there would be no need for a substantive hearing on that appeal. PDS notes that its Motion to Dismiss has already been answered by GTA and is ready for a decision by the OPA on the issue of the timeliness of the original GTA protest upon which this appeal is based.


5. In addition, PDS notes that although all three appeals relate to the same procurement, there are no overlapping issues in the three appeals. GTA has requested a hearing in OPA-PA-12-017 and 018, while PDS has requested a hearing in OPA-PA-12-016. Holding a hearing on these three disparate appeals at one time will be similar to attempting to try three unrelated lawsuits at the same time.

Wherefore, PDS requests that the consolidation in these three appeals be revoked, and a new schedule be set in accordance with the above request.

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DATED this 5th day of December, 2012.

BERMAN O'CONNOR & MANN
Attorneys for *PACIFIC DATA SYSTEMS, INC.*

By: 
BILL R. MANN