

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

Attorneys for:
PACIFIC DATA SYSTEMS, INC.

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 10/27/12

TIME: 1:10 AM PM BY: [Signature]

FILE NO OPA-PA: 12-016

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

10 IN THE APPEAL OF

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

Appellants.

OPA Docket No. OPA PA 12-016

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

15 IN THE APPEAL OF
16 PACIFIC DATA SYSTEMS, INC.,

Appellant.

OPA Docket No. OPA PA 12-017

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

Appellants.

OPA Docket No. OPA PA 12-018

22 Interested Party Pacific Data Systems, Inc. ("PDS") notes that it did not
23 previously request a hearing in OPA-PA-12-016 because GTA had already requested a
24 hearing. The issue first came up at the hearing on November 20, 2012. PDS President
25 John Day was off-island at the time, and undersigned counsel understood the hearing
26 on November 20 was only a pre-hearing conference in OPA-PA-12-016. Undersigned
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

counsel had no previous warning that the issue of whether there would or would not be a hearing in OPA-PA-12-016 would come up at the hearing.

When the question of a hearing in OPA-PA-12-016 was raised, undersigned counsel confused OPA-PA-12-016 with OPA-PA-12-017, for which latter appeal PDS was willing to waive its right to a hearing.

It would not be fair to deprive PDS of a hearing in OPA-PA-12-016 based on undersigned counsel's confusion due to the lack of any prior indication that the issue would come up at the hearing on November 20, 2012.

DATED this 27th day of November, 2012.

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

By: 
BILL R. MANN