

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Bresnan)	<u>DOCKET NOS.</u>
Broadband, LLC, for a Certificate of Public)	<u>07-2476-01 & 07-2476-02</u>
Convenience and Necessity to Operate as a)	
Competitive Local Exchange Carrier in Utah)	<u>ORDER GRANTING MOTION TO</u>
)	<u>BIFURCATE AND OPENING DOCKET</u>
)	<u>NO. 07-2476-02</u>
)	

ISSUED: June 14, 2007

By The Commission:

On February 5, 2007, Bresnan Broadband of Utah, LLC (“Bresnan”) filed a Verified Application for a certificate of public convenience and necessity (“Certificate”) to operate as a Competitive Local Exchange Carrier and provide local exchange services in two places within those portions of Utah that are served by Qwest as the Incumbent Local Exchange Carrier and in the local exchange area in Vernal, Utah. Bresnan intends to provide business services over traditional circuit switched technology, and provide residential services as part of its IP-Enabled digital voice service that it calls “Digital Phone.”

On April 17, 2007, Bresnan filed a Motion to Bifurcate Docket No. 07-2476-01 (“Motion”) requesting the Commission separate Bresnan’s Certificate application into two separate dockets for the convenience of all parties, and to expedite the proceedings. Bresnan notes Rule 42(b) of the Utah Rules of Civil Procedure permits the Commission to grant the Motion in the “furtherance of convenience.” According to Bresnan, it would be more convenient for both the Commission and the parties who have intervened to date if Docket No. 07-2476-01 were split because it appears there are no issues related to Bresnan’s request for a Certificate in

Qwest territory, and Qwest has not intervened. In contrast, it appears there could be potential issues for discussion related to Bresnan's request for a Certificate in the Vernal local exchange area, and it appears that both the incumbent provider in Vernal, UBTA-UBET, and the Utah Rural Telecom Association have intervened to be involved in such discussions. In addition, a split would likely expedite the requested Certificate in Qwest territory, and also likely expedite the requested Certificate in the Vernal local exchange area, which would lower the cost of entry and increase competition in both areas. Bresnan suggests Docket No. 07-2476-01 proceed to adjudicate its request to operate in the Vernal exchange and that a second docket be opened to adjudicate Bresnan's request for a Certificate to operate in Qwest territory.

On May 18, 2007, the Division of Public Utilities filed a memorandum recommending approval of the Motion and the splitting of Bresnan's Certificate request into two dockets.

No other party has responded to the Motion.

Having considered this matter fully, we conclude it would be more convenient to all parties if the issues related to issuance of a Certificate to operate in Qwest territory were adjudicated in a separate docket from the issues related to issuance to Bresnan of a Certificate to operate in the Vernal, Utah exchange. Therefore, based upon the foregoing information, and for good cause appearing, the Commission enters this ORDER granting Bresnan's Motion to Bifurcate and establishing Docket No. 07-2476-02 to adjudicate those issues specific to Bresnan's request for authority to operate in Qwest territory. We shall continue to adjudicate Bresnan's request for authority to operate in the Vernal exchange in Docket No. 07-2476-01.

DOCKET NOS. 07-2476-01 & 07-2476-02

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DATED at Salt Lake City, Utah, this 14th day of June, 2007.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#53481