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May 24, 2018

Mr. Sandy Mooy
Public Service Commission of Utah
Commission Secretary
Heber M. Wells Building 300 South 160 East, 4th Floor
Salt Lake City, UT 84111

Re: Bresnan Broadband of Utah, LLC Request For Mediation
Docket No. 07-2476-01

Dear Mr. Mooy:

We are in receipt of Bresnan Broadband of Utah, LLC's Request for Mediation regarding Bresnan's request for interconnection with UBTA-UBET Communication, Inc., pursuant to 47 U.S.C. Section 252(a)(2). We do not believe mediation is appropriate in this case. Despite Bresnan's citation to 47 U.S.C. Section 251 in its request for interconnection, Bresnan is a VoIP provider, and the issue of whether a VoIP provider is a telecommunications provider is undecided at the Federal Communications Commission. The issue in this matter is whether UBTA-UBET Communications, Inc. has any interconnection obligations at all with Bresnan Broadband of Utah, LLC for the Cable/VoIP services they request. UBTA-UBET presently has no obligations under 47 U.S.C. Section 252.

The issue as to whether VoIP providers are telecommunications services providers is squarely before the FCC in a proceeding entitled *Vermont Telephone Petition*, DA 08-08-916. A copy of the Vermont Petition is attached hereto. Also attached is the FCC acceptance of this Petition in Public Notice. We can also provide the first round of comments in this docket if you believe the comments would assist you.

As is evident from a review of the Vermont Petition, the issue that the FCC has agreed to address is whether VoIP providers are entitled to the interconnection rights of telecommunications carriers. Specifically, the Vermont petition seeks clarification regarding whether only telecommunications carriers are entitled to interconnection with local exchange

carriers pursuant to Sections 251 and 252, and whether a VoIP provided is a telecommunications carrier. Because this issue is within the jurisdiction of the FCC, and because the FCC is proceeding expeditiously to address this issue, the Utah Public Service Commission should not take any action in this matter, until the FCC has determined what interconnection obligations, if any, UBTA-UBET has with Bresnan under the circumstances.

Moreover, Bresnan's suggestion that UBTA-UBET is in violation of state law is equally inapplicable. The Utah Rules cited by Bresnan also apply to telecommunications providers and require compliance with *inter alia* 47 U.S.C. Section 251 and 252. The fact that Utah's Public Service Commission has issued Bresnan a certificate to operate as a CLEC is not controlling on the issue of whether VoIP service providers are telecommunication service providers. The issue of Bresnan's status as a telecommunications provider is one of federal law, not state law. Unless and until the FCC determines that VoIP service providers are telecommunication providers, UBTA-UBET has no interconnection obligations under 47 U.S.C. Section 251 or 252.

UBTA-UBET respectfully submits that the Public Service Commission of Utah should take no action in this matter until the FCC has issued its Order in the Vermont Proceeding. Furthermore, mediation under 47 U.S.C. 252 is not applicable at present because of UBTA-UBET's current status.

Sincerely,

BLACKBURN & STOLL, LC

Kira M. Slawson
Stanley K. Stoll

Enclosures

cc: UBTA-UBET Communications, Inc.
Douglas Meredith
Thorvald Nelson
Jerry Lambert (via email)
Rick Bailey (via email)
Kathy Kirchner (via email)