

UTAH PUBLIC
SERVICE COMMISSION

Stanley K. Stoll (A3960)
Kira M. Slawson (7081)
Blackburn & Stoll, LC
257 East 200 South, Suite 800
Salt Lake City, Utah 84111
Tel: 801/521-7900
Fax: 801/521-7965
Attorneys for UBTA-UBET
Communications, Inc.

2009 SEP -8 A 10: 46

268123

RECEIVED

IN THE UTAH SUPREME COURT

UBTA-UBET COMMUNICATIONS, INC., Petitioner, v. PUBLIC SERVICE COMMISSION OF UTAH, Respondent.	UBTA-UBET COMMUNICATIONS, INC.'S PETITION FOR REVIEW Appeal No. _____ Agency Decision Docket No. 08-2476-02
---	--

Notice is hereby given that UBTA-UBET Communications, Inc. ("UBET"), Petitioner, by and through its legal counsel, petitions the Utah Supreme Court to review the Order of Respondent issued in this matter on May 21, 2009 and the Order on Reconsideration, Review or Rehearing issued in this matter on August 3, 2009 (collectively the "Orders").

Pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Utah Code Ann. § 78A-3-102(3)(e)(i), the Petitioner seeks review of the following portions of the Orders:

1) Respondent's determination the State of Utah is not preempted by the Federal Telecommunications Act of 1996 in its regulation of IP enabled service; and its determination that UBET is obligated to interconnect to Bresnan Broadband of Utah, LLC ("Bresnan") under state law so that Bresnan can provide IP enabled service within UBET's local service territory;

2) Respondent's determination that UBET has essential facilities at Qwest's Provo Tandem;

3) Respondent's determination that UBET is required to indirectly interconnect with Bresnan outside UBET's service territory at the Qwest Provo Tandem;

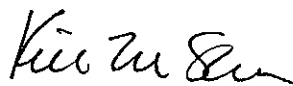
4) Respondent's determination that UBET is not entitled to any additional extended area service ("EAS") compensation from Bresnan, on a flat fee or measured basis, to terminate calls outside of the Vernal exchange in UBET's EAS territory.

5) Any other of the Respondent's findings or conclusions ancillary to the issues set forth above.

Petitioner requests the Court to direct the Respondent to prepare and certify to the Court its entire record, which shall include all of the proceedings and evidence taken in this matter.

Dated this 2nd day of September, 2009.

BLACKBURN & STOLL, LC



Kira M. Slawson
Attorney for UBTA-UBET Communications, Inc.

CERTIFICATE OF MAILING

I hereby certify that on this 2nd day of September, I caused to be mailed a true and correct copy of the foregoing UBTA-UBET Communications, Inc.'s Petition for Review to the following:

Public Service Commission of Utah
Heber M. Well Building
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Michael Ginsberg
Counsel for Division of Public Utilities
Assistant Attorney General
Heber M. Wells Building
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114-0811

Paul Proctor
Counsel for the Office of Consumer Services
Assistant Attorney General
Heber M. Wells Building
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114-0811

Jerold C. Lambert
Counsel for Bresnan Broadband
1 Manhattanville Road
Purchase, NY 10577

Thorvald A. Nelson
Michelle Brandt King
Counsel for Bresnan Broadband
Holland & Hart
PO Box 8749
Denver, CO 80201-8749

John P. Harrington
James A. Holtcamp
Holland & Hart
60 East South Temple, #2000
Salt Lake City, UT 84111

Stephen F. Mecham
Callister Nebeker & McCullough
10 East South Temple, Suite 900
Salt Lake City, Utah 84133

