



State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THAD LEVAR
Deputy Director

PHILIP J. POWLICK
Director, Division of Public Utilities

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Lieutenant Governor

MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Philip Powlick, Director
Bill Duncan, Telecommunications / Water Manager
Ron Slusher, Utility Technical Consultant

Date: December 01, 2009

Re: Agreement filing in the Matter of the Interconnection Agreement between Qwest Corporation and Bresnan Broadband of Utah, LLC per Docket No. 09-049-58

RECOMMENDATION:

The Division recommends that the Commission acknowledge the receipt of this Interconnection Agreement.

EXPLANATION:

On November 19, 2009, Qwest Corporation (“Qwest”) filed the Interconnection Agreement per the above-referenced docket in accordance with § 54-8b-2.2(1) (d) of the *Utah Code*. This Agreement had been fully executed through voluntary negotiations on November 02, 2009 with Bresnan Broadband of Utah, LLC (“Bresnan”). Bresnan’s Certificate of Public Convenience and Necessity was approved by the Commission on November 16, 2007 in Docket No. 07-2476-01.

The Division has reviewed the above-mentioned Agreement between Qwest and Bresnan sees no reason to reject it. Specifically, the Division believes that the Agreement was negotiated in good faith and without unfair discrimination. Both parties also recognize that, to the extent that the existing rules are changed, vacated, dismissed, stayed or modified, this Agreement and all contracts adopting all or part of this Agreement will be amended to reflect such modification or change of the existing rules. Therefore, the Division recommends that the Commission acknowledge the receipt of this Interconnection Agreement.

cc: L.T. Christensen, Director – Wholesale Contracts, Qwest Corporation
Alex J. Harris, VP Network Planning & Industry Affairs, Bresnan Broadband of Utah, LLC
Michael Ginsberg, Assistant Attorney General, State of Utah