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June 13, 2008

VIA ELECTRONIC MAIL
smooy@utah.gov

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

Dear Mr. Mooy:

This letter is in response to your May 28, 2008 email in which you request that UBTA-UBET Communications, Inc. ("UBTA-UBET") and Bresnan Broadband of Utah, LLC ("Bresnan") answer certain questions relating to Bresnan's Request for Mediation. The following are UBTA-UBET's responses to your questions:

1. Does UBTA-UBET maintain that it will only interconnect its network with Bresnan's network if UBTA-UBET is required, "has any interconnection obligations at all," to interconnect under provisions of the 1996 Federal Telecommunications Act?

RESPONSE: Yes. Bresnan's February 14, 2008 request received by UBTA-UBET contains specific and exclusive language indicating its request to interconnect with UBTA-UBET is pursuant to Section 251 of the Communications Act of 1934, as amended. (See below) UBTA-UBET will not entertain requests for interconnection with Bresnan, so described, without a clear and defined federal obligation to interconnect. It is not presently clear that UBTA-UBET has any obligation to interconnect with Bresnan as a provider of VoIP services.

Dear Ms. Slawson:

Pursuant to 47 U.S.C. § 251(a) and (b), Bresnan Broadband of Utah hereby respectfully requests that UBTA-UBET Communications, Inc. enter into a mutual traffic exchange agreement with Bresnan. In particular, Bresnan requests that UBTA-UBET enter into an agreement in the form attached to this letter.

2. Does UBTA-UBET maintain that the Utah Public Service Commission has jurisdiction and authority regarding interconnection between the networks of two Utah certificated telecommunications corporations solely through the 1996 Federal Telecommunications Act?

RESPONSE: Bresnan requested interconnection pursuant to 47 U.S.C. Section 251. The 1996 Federal Telecommunications Act governs the interconnection obligations of telecommunications carriers such as UBTA-UBET with VoIP providers such as Bresnan, not state law. This Commission should await the decision of the FCC in the Vermont Telephone Petition currently pending at the FCC which directly addresses the issues which UBTA-UBET raises in response to Bresnan's request. A determination made by the FCC as to Vermont Telephone's interconnection obligations will be binding upon the states. Therefore, it will be of little use for this Commission to proceed with mediation that may be mooted by the FCC's Order in the Vermont Telephone Petition matter.

3. Does UBTA-UBET maintain it has no interconnection responsibility with Bresnan under Utah Code 54-8b-2.2?

RESPONSE: Bresnan requested interconnection pursuant to 47 U.S.C. Section 251, and thus the interconnection request is governed by Federal law. UBTA-UBET maintains that has no interconnection responsibility with Bresnan under these circumstances because Bresnan is seeking to provide VoIP services under 47 U.S.C. Section 251 and 252 of the Act. This Commission should await the decision of the FCC in the Vermont Telephone Petition currently pending at the FCC. A determination made by the FCC as to Vermont Telephone's interconnection obligations will be binding upon the states. Therefore, it will be of little use for this Commission to proceed with mediation that may be mooted by the FCC's Order in the Vermont Telephone Petition matter.

4. Does UBTA-UBET maintain that any interconnection responsibility it may have with "another telecommunications corporation" under Utah Code 54-8b-2.2 is conditioned or constrained by any federal law? If so, specify how.

RESPONSE: See Response 3 above.

5. Does UBTA-UBET maintain that the Utah Public Service Commission may not exercise the jurisdiction and authority conferred by the various chapters of Title 54 of the Utah Code with regards to the interconnection of UBTA-UBET's and Bresnan's networks?

RESPONSE: See Response 3 above.

4. [sic] Does UBTA-UBET believe any Utah Public Service Commission jurisdiction and authority provided by Title 54 of the Utah Code is conditioned or constrained in any way by the 1996 Federal Telecommunications Act? If so, how?

RESPONSE: See Response 3 above.

If you have any additional questions, please do not hesitate to contact us. This response has not been formally filed. Please let me know if you would like us to do so.

Sincerely,

BLACKBURN & STOLL, LC

Kira M. Slawson

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cc: UBTA-UBET Communications, Inc.
Thor Nelson
Jerry Lambert
Rick Bailey
Kathy Kirchner