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May 14, 2008

**VIA OVERNIGHT MAIL**

Public Service Commission of Utah  
c/o Julie Orchard  
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**

To Whom It May Concern:

Pursuant to 47 U.S.C. § 252(a)(2) Bresnan Broadband of Utah, LLC respectfully requests that the Public Service Commission of Utah (a) participate in the negotiation of an interconnection agreement between Bresnan and UBTA-UBET Communications, Inc. and (b) mediate any differences arising between the parties in the course of the negotiation. Bresnan further requests that the Commission commence this role as quickly as possible.

On November 16, 2007 the Public Service Commission of Utah issued a Certificate of Public Convenience and Necessity authorizing Bresnan Broadband of Utah, LLC to offer telecommunications services within the Vernal exchange in and around Vernal, Utah. (A copy of that Report and Order is Attachment 1 to this letter.)

Consistent with this authorization, on February 14, 2008 Bresnan sent a formal request to UBTA-UBET Communications, Inc. to permit Bresnan to interconnect with UBTA-UBET for the purposes of exchanging traffic including 9-1-1 calls and facilitating local number portability. (A copy of that letter and proposed Traffic Exchange Agreement is Attachment 2 to this letter.)

Although Rule R746-348-4(B) requires written acknowledgement within five business days of receipt of a written request by another local exchange service provider for interconnection, UBTA-UBET did not acknowledge receipt of Bresnan's request for interconnection until March 12, 2008 (19 days after receipt). (A copy of the e-mail acknowledging receipt is Attachment 3 to this letter.) Further, although Rule R746-348-4(C) requires that incumbent local exchange carriers provide interconnection facilities and services within 60 days following receipt of a written request for interconnection, as of today (90 days after receipt) UBTA-UBET continues to refuse to

provide interconnection and refuses to even negotiate the terms of a traffic exchange agreement.

Instead of complying with the Commission's rules, UBTA-UBET sent Bresnan a list of questions on April 11, 2008. (A copy of that letter is Attachment 4 to this letter.) Bresnan fully replied in good faith to those questions by letter dated April 24, 2008. (A copy of that letter is Attachment 5 to this letter.)

However, on May 13, 2008, UBTA-UBET sent a second letter to Bresnan asserting that UBTA-UBET has no obligation under state or federal law to interconnect with Bresnan. (A copy of that letter is Attachment 6 to this letter.) Thus, UBTA-UBET signaled its clear intention to neither negotiate in good faith nor enter into a traffic exchange agreement with Bresnan.

If Bresnan cannot interconnect with the incumbent local exchange provider UBTA-UBET for purposes of originating and terminating calls, routing 9-1-1 calls, and permitting local number portability, Bresnan will be unable to offer the telecommunications services authorized by the Commission. Given the position of UBTA-UBET on this matter and the critical importance of getting a traffic exchange agreement in place as quickly as possible, Bresnan respectfully requests that the Commission assist the parties as a mediator.

Of course, should mediation prove unsuccessful, Bresnan will have no choice but to seek binding arbitration from the Commission. However, Bresnan is hopeful that a more timely and informal process would suffice.

Bresnan requests that any communication regarding this request for mediation be submitted to both the undersigned counsel and Bresnan's in-house counsel Jerry Lambert (Bresnan Communications, 1 Manhattanville Road, Purchase, NY 10577; (914) 641-3338; jlambert@bresnan.com).

Respectfully,

*s/ Thorvald A. Nelson*

Thorvald A. Nelson  
for Holland & Hart LLP

cc: Jerry Lambert, Bresnan Communications  
Kira Slawson, Blackburn and Stoll, Counsel for UBTA-UBET