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Division of Public Utilities

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September 9, 2008

TO: PUBLIC SERVICE COMMISSION

FROM: DIVISION OF PUBLIC UTILITIES

Philip J. Powlick, Director
Bill Duncan, Manager, Telecommunications
Paul M. Anderson, Technical Consultant

Re: 08-2476-02

(5) PETITION TO RESOLVE DISPUTE OVER INTERCONNECTION OF ESSENTIAL FACILITIES AND PETITION FOR ARBITRATION In the Matter of the Petitions of Bresnan Broadband of Utah, LLC, to Resolve Dispute Over Interconnection of Essential Facilities and for Arbitration to Resolve Issues Relating to an Interconnection Agreement With UBTA-UBET Communications, Inc.

RECOMMENDATION: Schedule a scheduling conference.

ISSUES:

The basic issues that are of concern in this Docket are:

1. It is not clear whether a cable company providing IP-enhanced services is a telecommunications provider under law.
2. Does the Commission have authority to regulate interconnection in this matter under state law?

The Division has determined that this dispute over the establishment of an interconnection agreement between Bresnan Broadband and UBTA-UBET can best be resolved after setting a schedule to allow all parties an opportunity to respond to the Motion to Dismiss filed by UBTA-UBET. The Division believes that the Commission should schedule a scheduling conference to establish a schedule for response by Bresnan and others to the Motion to Dismiss or develop

another process to either conclude this Docket, or move it forward to allow the development of a record that could lead to an interconnection agreement.

cc: Jerold C. Lambert, Bresnan Communications, LLC
Thorvald A. Nelson, Holland & Hart LLP
James A. Holtkamp, Holland & Hart LLP
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