

JEROLD C. LAMBERT
BRESNAN COMMUNICATIONS, LLC
1 Manhattanville Road
Purchase, NY 10577
Telephone: (914) 641-3338
Facsimile: (914) 641-3438

THORVALD A. NELSON
HOLLAND & HART LLP
8390 East Crescent Pkwy, Suite 400
Greenwood Village, CO 80111
Telephone: (303) 290-1601
Facsimile: (303) 975-5290

JAMES A. HOLTKAMP (BAR NO. 1533)
HOLLAND & HART LLP
60 E. South Temple, Suite 2000
Salt Lake City, UT 84111-1031
Telephone: (801) 799-5847
Facsimile: (801) 799-5700

Attorneys for Bresnan Broadband of Utah, LLC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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.	Docket No. 08-2476-02 PETITION TO RESOLVE DISPUTE OVER INTERCONNECTION OF ESSENTIAL FACILITIES AND PETITION FOR ARBITRATION
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**RESPONSE OF BRESNAN BROADBAND OF UTAH, LLC TO PETITION TO
INTERVENE OF THE UTAH RURAL TELECOM ASSOCIATION AND
ASSOCIATION MEMBERS**

Bresnan Broadband of Utah, LLC (“Bresnan”), through its undersigned counsel, hereby responds to the Petition To Intervene Of The Utah Rural Telecom Association And Association

Members (“URTA”). Bresnan respectfully requests that the Commission deny URTA’s Petition. In support of this request, Bresnan states the following:

1. Utah Code Ann. § 63G-04-207(2)(a) and (b) require that a petition for intervention be granted if “(a) the petitioner’s legal interests may be substantially affected by the formal adjudicative proceeding; and (b) the interests of justice and the orderly and prompt conduct of the adjudicative proceeding will not be materially impaired by allowing the intervention.” URTA’s Petition identifies its legal interests by stating, “[t]he decisions the Commission makes in this docket will set precedent for any similar request for interconnection submitted to any other URTA member.” URTA Petition at p. 2 (emphasis added).

2. Other than UBTA-UBET, no member of URTA’s legal interests will be affected at all by this proceeding. This proceeding involves the requested creation of a bilateral interconnection agreement between Bresnan and UBTA-UBET. The agreement will not impact, substantially or otherwise, the legal rights or obligations of any other telecommunications carrier.

3. The mere fact that a decision may set “precedent” for future unrelated cases cannot form a sufficient legal basis for intervention. If it did, than every ILEC, CLEC, cable company, and wireless company in Utah would meet the necessary threshold to intervene in this case. What is more, if this were the standard for intervention then every electric or gas utility or customer in the state would have a basis to intervene in every electric or gas rate case because the Commission may issue rulings on common issues like cost of capital that might set “precedent” for other utilities. Put simply, the incredibly broad reading of Utah Code Ann. § 63G-04-207(2)(a) and (b) apparently endorsed by URTA would render the statutory restrictions on intervention nearly meaningless.

4. Additionally, the interests of justice do not require URTA's intervention. To the contrary, URTA's position will undoubtedly be essentially identical to the UBTA-UBET's position in this proceeding as UBTA-UBET is itself a member of URTA. Thus, URTA's intervention will simply add another voice to the process arguing the exact same position. In *Questar Gas Company v. Public Service Commission*, 175 P.3d 545, 551 (Utah 2007), the Utah Supreme Court affirmed the Commission's decision to deny intervention to certain customers in part because the interests of those individuals were fully represented by the Division and the Committee. The Commission should do likewise in this proceeding. As a rural telephone company, UBTA-UBET is more than capable of representing the interests of rural telephone companies in this proceeding.

5. Finally, URTA's intervention will impair the orderly and prompt resolution of this case. It is axiomatic that this proceeding should focus on the facts relevant to this proceeding. Those facts include the particular nature of the two telecommunications carriers involved, the particular nature of their networks, and the particular interests of the customers in the impacted areas. Therefore, it would be counter-productive and wasteful to bog this proceeding down with testimony and arguments about how this case might set good or bad precedent for other telecommunications providers across the state with different networks and different customers. Further, adding additional witnesses testifying with identical positions and identical points of view will cause the hearings to be longer than necessary. Adding additional briefs with identical positions and identical points of view will add to the burden on the Commission and all parties. Ultimately, URTA's intervention, if granted, would cause the Commission and all of the parties to incur additional unnecessary effort and costs.

WHEREFORE, Bresnan respectfully requests that the Commission deny URTA's Motion to Intervene.

Respectfully submitted this 10th day of November, 2008.

s/ Thorvald A. Nelson

JAMES A. HOLTKAMP (BAR NO. 1533)
HOLLAND & HART LLP
60 E. South Temple, Suite 2000
Salt Lake City, UT 84111-1031
Telephone: (801) 799-5847
Facsimile: (801) 799-5700
Email: jholtkamp@hollandhart.com

JEROLD C. LAMBERT
BRESNAN COMMUNICATIONS, LLC
1 Manhattanville Road
Purchase, NY 10577
Telephone: (914) 641-3338
Facsimile: (914) 641-3438
Email: jlambert@bresnan.com

THORVALD A. NELSON
HOLLAND & HART LLP
8390 East Crescent Pkwy, Suite 400
Greenwood Village, CO 80111
Telephone: (303) 290-1601
Facsimile: (303) 975-5290
Email: tnelson@hollandhart.com

Attorneys for Bresnan Broadband of Utah, LLC

CERTIFICATE OF MAILING

I hereby certify that on this 10th day of November, 2008, I caused to be emailed a true and correct copy of the foregoing **RESPONSE OF BRESNAN BROADBAND OF UTAH, LLC TO UBTA-UBET COMMUNICATIONS, INC.'S MOTION TO DISMISS PETITIONS** to the following:

Stanley K. Stoll
sstoll@blackburn-stoll.com

Kira M. Slawson
KiraM@blackburn-stoll.com

Stephen F. Mecham
sfmecham@cnmlaw.com

Michael Ginsberg
mginsberg@utah.gov

Patricia Schmidt
pschmid@utah.gov

Paul Proctor
pproctor@utah.gov

Bill Duncan
wduncan@utah.gov

Eric Orton
eorton@utah.gov

James A. Holtkamp
jholtkamp@hollandhart.com

Thorvald A. Nelson
tnelson@hollandhart.com

Jerold C. Lambert
jlambert@bresnan.com

s/ Kathleen O'Riley _____