

Stanley K. Stoll (A3960)
Kira M. Slawson (7081)
Blackburn & Stoll, LC
257 East 200 South, Suite 800
Salt Lake City, Utah 84111
Tel: 801/521-7900
Fax: 801/521-7965
Attorneys for UBTA-UBET
Communications, Inc.

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petition of Brenan Broadband of Utah, LLC, to Resolve Dispute Over Interconnection of Essential Facilities and for Arbitration to Resolve Issues Relating to Interconnection Agreement with UBTA-UBET Communications, Inc.	UBTA-UBET COMMUNICATIONS, INC.'S MOTION FOR STAY OF COMMISSION'S ORDER PENDING DETERMINATION OF PETITION FOR RECONSIDERATION AND REHEARING
	Docket No. 08-2476-02
	June 22, 2009

UBTA-UBET Communications, Inc. ("UBET"), pursuant to Utah Code Ann. § 63G-4-301, Utah Code Ann. § 54-7-15, and Utah Administrative Code R746-100-11.F has filed a Petition for Reconsideration and Rehearing with the Public Service Commission ("Commission") to reconsider the order the Commission issued in this matter on May 21, 2009 ("Order"). Concurrently with that Petition, UBET hereby moves the Commission for a stay of the Commission's Order pending consideration and determination of UBET's Motion for Reconsideration.

The Commission's Order requires, *inter alia*, UBET to indirectly interconnect with Bresnan at the Qwest Provo tandem. See *Order*, p. 36. As indicated in UBET's Petition for Reconsideration and Rehearing, and as set forth in a letter filed with the Commission by Qwest Communications on June 18, 2009, indirect interconnection between Bresnan and UBET at the Qwest Provo tandem, as ordered by the Commission, is not technically or economically feasible at this time. It is impossible for UBET to comply with the Commission's order.

Utah Code Annotated §54-7-10 states that: "Orders of the Commission shall take effect and become operative on the date issued, except as otherwise provided in the Order." Additionally, U.C.A. § 54-7-15 (2)(e) provides: "unless an order of the commission directs that an order is stayed or postponed, an application for review or rehearing does not excuse any corporation or person from complying with and obeying any order or decision of the commission." In this instance, given the impossibility of compliance with the Commission's Order, a stay is necessary pending the Commission's review and rehearing of the issues set forth in UBET's Petition for Rehearing. UBET respectfully requests that the Commission grant a stay of its Order pending consideration of UBET's Petition for Reconsideration. In the event that the Commission grants UBET's Petition for Reconsideration, the stay should remain in effect until the Commission has entered its final order in this matter.

CONCLUSION

For the reasons set forth in UBET's Petition for Reconsideration and above, the Commission should stay its Order pending UBET's Petition for Reconsideration and issuance of a final order in this matter.

Dated this 22nd day of June, 2009.

BLACKBURN & STOLL, LC

Kira M. Slawson
Attorney for UBTA-UBET Communications, Inc.

CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of June, 2009, I caused to be emailed a true and correct copy of the foregoing UBTA-UBET Communications, Inc.'s Motion for Stay of Order to the following:

Stephen F. Mecham
sfmecham@cnmlaw.com

Michael Ginsberg
mginsberg@utah.gov

Patricia Schmid
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

Alex Harris
aharris@bresnan.com

Kira M. Slawson