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Attorneys for Bresnan Broadband of Utah, LLC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

BRESNAN BROADBAND OF UTAH, LLC, a Utah limited liability company,	Docket No. 09-2476-01
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Petitioner,

vs.

UBTA-UBET COMMUNICATIONS, INC.,
a Utah corporation,

Respondent.

**BRESNAN BROADBAND OF UTAH,
LLC'S MOTION TO DISMISS
COMPLAINT**

Petitioner BRESNAN BROADBAND OF UTAH, LLC (“Bresnan”) by and through its counsel of record, Holland & Hart LLP, hereby moves to dismiss its Complaint for Injunctive and Other Relief (“Complaint”) against UBTA-UBET Communications, Inc. (“UBET”).

1. In its Complaint filed on August 20, 2009, among other relief, Bresnan sought an order from the Public Service Commission of Utah (“Commission”) requiring UBET to sign an Essential Facilities Agreement (“Agreement”), in the form approved and ordered by the Commission in Docket No. 08-2476-02.

2. By the terms of a stipulation reached between the parties, UBET signed said Agreement on or about September 10, 2009.

3. Accordingly, Bresnan hereby moves the Commission to dismiss its Complaint against UBET, and further withdraws its Complaint with respect to any remedies sought that are above and beyond the specific performance of UBET’s signing the Agreement.

4. Bresnan will provide the Commission with a copy of the fully executed Essential Facilities Agreement between the parties, as well as any other agreements reached regarding interconnection between Bresnan and UBET, through a Supplemental Status Report to be filed under separate cover in Docket No. 08-2478-02.

WHEREFORE, Petitioner BRESNAN BROADBAND OF UTAH, LLC respectfully requests that the Commission dismiss its Complaint against UBET, and grant the withdrawal of Bresnan’s requests for relief sought in the Complaint with respect to any remedies beyond UBET’s execution of the Essential Facilities Agreement approved and ordered in Docket No. 08-2476-02.

DATED this 14th day of September, 2009.

HOLLAND & HART, LLP

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CERTIFICATE OF MAILING

I hereby certify that on this 14th day of September, 2009, an original and five copies of **BRESNAN BROADBAND OF UTAH, LLC'S MOTION TO DISMISS COMPLAINT**, were hand delivered to the following:

Ms. Julie Orchard, Secretary
Public Service Commission of Utah
Heber M. Wells Building
300 South 160 East, 4th Floor
Salt Lake City, UT 84111

and copies were also served via electronic mail to the following:

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