

From: Sandy Mooy
To: Slawson, Kira; tnelson@hollandhart.com
Date: 5/28/08 2:43PM
Subject: PSC questions RE: Bresnan Broadband and UBTA-UBET mediation request

As mediation implies two parties who ultimately are desirous of an agreement, Ms. Slawson's May 22, 2008, email, on behalf of UBTA-UBET, appears to vitiate any mediation effort as UBTA-UBET is unwilling to voluntarily enter into any interconnection agreement with Bresnan. In light of the response, the Commission will not hold the conference call that had been proposed this week.

To help the Commission understand the parties' positions and aid in directing the Commission's future course, the Commission has some questions, for both UBTA-UBET and Bresnan.

For UBTA-UBET:

1. Does UBTA-UBET maintain that it will only interconnect its network with Bresnan's network if UBTA-UBET is required, "has any interconnection obligations at all," to interconnect under provisions of the 1996 Federal Telecommunications Act?
2. Does UBTA-UBET maintain that the Utah Public Service Commission has jurisdiction and authority regarding interconnection between the networks of two Utah certificated telecommunications corporations solely through the 1996 Federal Telecommunications Act?
3. Does UBTA-UBET maintain it has no interconnection responsibility with Bresnan under Utah Code 54-8b-2.2?
4. Does UBTA-UBET maintain that any interconnection responsibility it may have with "another telecommunications corporation" under Utah Code 54-8b-2.2 is conditioned or constrained by any federal law? If so, specify how.
5. Does UBTA-UBET maintain that the Utah Public Service Commission may not exercise the jurisdiction and authority conferred by the various chapters of Title 54 of the Utah Code with regards to the interconnection of UBTA-UBET's and Bresnan's networks?
4. Does UBTA-UBET believe any Utah Public Service Commission jurisdiction and authority provided by Title 54 of the Utah Code is conditioned or constrained in any way by the 1996 Federal Telecommunications Act? If so, how?

For Bresnan:

1. Does Bresnan seek mediation and interconnection between the two networks for the provision of services to Bresnan customers, which services Bresnan offers under authority of its Utah certificate and which services are subject to the jurisdiction and authority of the Utah Public Service Commission under the various chapters of Title 54 of the Utah Code?
2. Does Bresnan seek mediation and interconnection between the two networks in order to provide services to Bresnan customers, which services Bresnan offers under authority of federal law or authority obtained from a federal agency and which are not subject to Utah Public Service Commission jurisdiction and authority under Utah law?
3. Does Bresnan maintain that the interconnection it seeks between the two networks is for the provision of services to Vernal exchange residential and/or business customers of Bresnan and UBTA-UBET, which services are subject to the jurisdiction and authority of the Utah Public Service Commission under Utah law?
4. Does Bresnan maintain that the jurisdiction and authority conferred by the various chapters of Title 54 of the Utah Code over Bresnan, the services Bresnan will provide to its Utah customers, or the interconnection it seeks with UBTA-UBET is conditioned or constrained by the 1996 Federal Telecommunications Act? If so, how?