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Attorneys for Rocky Mountain Power

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of  
ROCKY MOUNTAIN POWER for Approval  
of Pole Attachment Agreement between Rocky  
Mountain Power and South Central  
Communications, Inc. and South Central Utah  
Telephone Association, Inc.

DOCKET No. 10-035-\_\_\_\_

**APPLICATION OF ROCKY  
MOUNTAIN POWER**

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PacifiCorp, doing business in Utah as Rocky Mountain Power (“Rocky Mountain Power” or “Company”) respectfully requests an order under Utah Admin. Code R746-345-3 approving a Pole Attachment Agreement (the “Agreement”) between Rocky Mountain Power and South Central Communications, Inc. (a wholly-owned subsidiary of South Central Utah Telephone Association, Inc.) and South Central Utah Telephone Association, Inc. (collectively, “South Central”) dated March 11, 2010. Each of Rocky Mountain Power and South Central are referred to as a “Party” and together referred to as the “Parties.”

In support of its Application, Rocky Mountain Power states as follows:

1. Rocky Mountain Power is a public utility in the state of Utah and is subject to the jurisdiction of the Commission with regard to its rates and service. As a public utility that permits attachments to its poles by an attaching entity, Rocky Mountain Power is obligated to

provide that service pursuant to the requirements in Utah Admin. Rules, R.746-345 governing pole attachments.

2. Communications regarding this Application should be addressed to:

By e-mail (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)

By fax: (503) 813-6060

By mail: Data Request Response Center  
Rocky Mountain Power  
825 NE Multnomah St., Suite 800  
Portland, OR 97232

Dave Taylor  
Rocky Mountain Power  
201 South Main, Suite 2300  
Salt Lake City, UT 84111  
Telephone: (801) 220-2923  
Facsimile: (801) 220-2798

Barbara Ishimatsu  
201 South Main Street, Suite 2300  
Salt Lake City, UT 84111  
Telephone: (801) 220-4640  
Facsimile: (801) 220-3299  
Email: [Barbara.ishimatsu@pacificorp.com](mailto:Barbara.ishimatsu@pacificorp.com)

3. Under R.746-345-3(B)(1), the parties to pole attachment contracts which differ from the terms in a Commission-approved contract “shall submit the negotiated contract to the Commission for approval.” As with the pole attachment agreements between Rocky Mountain Power and TCG Utah and Leavitt Group Enterprises (Docket Nos. 09-035-52 and 10-035-01, respectively), the Agreement negotiated between Rocky Mountain Power and South Central contains terms which differ from the safe harbor agreement approved by the Commission in Docket 04-999-03.

4. Minor changes from the “Safe Harbor” agreement reflect clarifications of Rocky Mountain Power’s administrative processes, or are simply non-substantive wording changes.

Some provisions of the Safe Harbor have been relocated to another place in the agreement, consolidated or otherwise clarified for stylistic purposes or to represent a mutually acceptable compromise between the Parties.

5. The Agreement is the first reciprocal pole attachment agreement filed by the Company since the Commission's latest revisions to R746-345. Recently filed and approved pole attachment agreements with TCG Utah and Leavitt Group Enterprises in Docket Nos. 09-035-52 and 10-035-01, respectively, established non-reciprocal relationships, i.e., they did not provide for Rocky Mountain Power's attachments to the other parties' poles. Other than changes addressing the reciprocal nature of the relationship between the Company and South Central, many of the substantive provisions of the Agreement are the same or similar to those contained in the agreements between Rocky Mountain Power and TCG Utah and Leavitt Group Enterprises. The Agreement was jointly negotiated between the Parties and represents the agreed-to terms and conditions for South Central's attachments to Rocky Mountain Power's poles, and for Rocky Mountain Power's attachments to South Central's poles. Substantive differences between the TCG and Leavitt Group Enterprises pole attachment agreements and the Agreement are largely contained in further identification of the Parties' obligations in Article III, Use of Poles. In order to address unique circumstances existing between the Parties, the Agreement also contains negotiated terms providing for the auditing of, and payment for, already existing attachments. In addition, the Agreement makes more references to the requirements of Commission Rule R746-345 than do the TCG Utah and Leavitt Group Enterprises agreements, and does not contain a confidentiality clause.

6. The Agreement provides for pole attachment rates consistent with the Company's Electric Service Schedule No. 4 and Commission Rule R746-345, requires compliance with

National Electric Safety Code requirements, and is otherwise consistent with the requirements of Commission Rule R746-345.

7. The Agreement is just and reasonable and in the public interest.

WHEREFORE, Rocky Mountain Power respectfully request that the Commission issue an order approving the Agreement submitted herewith and finding the terms and conditions of the Agreement to be just and reasonable and in the public interest.

DATED this \_\_\_\_th day of April, 2010.

Respectfully submitted,

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Daniel E. Solander  
Barbara Ishimatsu  
Rocky Mountain Power

*Attorneys for Rocky Mountain Power*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing **APPLICATION FOR APPROVAL OF POLE ATTACHMENT AGREEMENT BETWEEN ROCKY MOUNTAIN POWER AND SOUTH CENTRAL COMMUNICATIONS, INC. AND SOUTH CENTRAL UTAH TELEPHONE ASSOCIATION, INC.** to be served upon the following by electronic mail or U.S. postage to the addresses shown below on April     , 2010:

South Central Communications, Inc. South Central Utah Telephone Assoc., Inc. 45 North 100 West Escalante, UT 84726	Kira M. Slawson Blackburn & Stoll, LC 257 East 200 South, Suite 800 Salt Lake City, UT 84111-2048 <a href="mailto:KiraM@blackburn-stoll.com">KiraM@blackburn-stoll.com</a>
Cheryl Murray Dan Gimble Michele Beck Office of Consumer Services 160 East 300 South, 2 <sup>nd</sup> Floor Salt Lake City, UT 84111 <a href="mailto:cmurray@utah.gov">cmurray@utah.gov</a> <a href="mailto:dgimble@utah.gov">dgimble@utah.gov</a> <a href="mailto:mbeck@utah.gov">mbeck@utah.gov</a>	Paul Proctor Office of Consumer Services Heber M. Wells Bldg., Fifth Floor 160 East 300 South Salt Lake City, UT 84111 <a href="mailto:pproctor@utah.gov">pproctor@utah.gov</a>
Michael Ginsberg Patricia Schmid Assistant Attorney General Utah Division of Public Utilities Heber M. Wells Bldg., Fifth Floor 160 East 300 South Salt Lake City, UT 84111 <a href="mailto:mginsberg@utah.gov">mginsberg@utah.gov</a> <a href="mailto:pschmid@utah.gov">pschmid@utah.gov</a>	Dennis Miller William Powell Philip Powlick Division of Public Utilities Heber M. Wells Building 160 East 300 South, 4 <sup>th</sup> Floor Salt Lake City, UT 84111 <a href="mailto:dennismiller@utah.gov">dennismiller@utah.gov</a> <a href="mailto:wpowell@utah.gov">wpowell@utah.gov</a> <a href="mailto:philippowlick@utah.gov">philippowlick@utah.gov</a>