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State of Utah
Department of Commerce
Division of Public Utilities

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Executive Director

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Deputy Director

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Director, Division of Public Utilities

ACTION REQUEST RESPONSE

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Artie Powell, Manager
Joni Zenger, Technical Consultant
Sam Liu, Utility Analyst

Date: August 16, 2012

Re: **Docket No. 12-035-89**, Application for Approval of a Pole Attachment Agreement between Rocky Mountain Power and NewPath Networks, LLC. The Division recommends that the Action Request be closed. No further action is required at this time.

RECOMMENDATION (Withdraw Application and postpone action)

Given the Company's request to withdraw its application, the Division of Public Utilities (Division) recommends that the Commission close the Action Request. No further action is required at this time.

ISSUE

On June 15, 2012, the Company filed a request for approval of a pole attachment agreement (Agreement) between the Company and NewPath. On July 25, 2012, the Commission issued an Action Request to the Division requesting response by August 17, 2012.

In early August, the Company notified the Division that it was going to withdraw its pole attachment application and that a formal motion to withdraw the application would be forthcoming. On August 13, 2012, the Company filed a Withdrawal of Application at the request of NewPath, in order to allow additional negotiation of certain terms in the Agreement. The Company has indicated that it plans to re-file a revised Agreement once the parties have completed their negotiations. Therefore, the Division recommends that the Commission close this action request.

CC:

Dave Taylor, Rocky Mountain Power

Michele Beck, Office of Consumer Services