

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for Approval of the Pole Attachment Agreement between Rocky Mountain Power and Commnet Cellular Inc. Network Corporation, d/b/a Verizon Wireless	<p style="text-align: center;"><u>DOCKET NO. 18-035-12</u></p> <p style="text-align: center;"><u>ORDER</u></p>
--	--

ISSUED: June 12, 2018

On April 24, 2018, PacifiCorp, doing business as Rocky Mountain Power, submitted an application (“Application”) seeking approval of a pole attachment agreement (“Agreement”) with Commnet Cellular Inc. Network Corporation, d/b/a Verizon Wireless (“Commnet”). On April 24, 2018, the Public Service Commission (“PSC”) issued a Notice of Filing and Comment Period, allowing interested parties to submit comments on or before May 24, 2018 and reply comments on or before June 8, 2018. On May 24, 2018, the Division of Public Utilities (“DPU”) submitted comments on the Agreement. No party filed reply comments.

The Application explains the Agreement between PacifiCorp and Commnet is non-reciprocal and deviates in some respects from the standard contract the PSC approved on November 21, 2012, commonly referred to as the “Safe Harbor Agreement.”¹ The Application notes Utah Admin. Code R746-345-3(B)(1) allows parties to voluntarily negotiate alternative terms, subject to PSC approval.

In its comments, the DPU enumerates what it terms are the substantive deviations in the Agreement as compared to the approved Safe Harbor Agreement. The DPU states the Agreement is the result of voluntary negotiations between PacifiCorp and Commnet, and represents the

¹ See *In the Matter of the Consolidated Applications of Rocky Mountain Power for Approval of Standard Reciprocal and Non-Reciprocal Pole Attachment Agreements* (Report and Order, issued November 21, 2012), Docket No. 10-035-97.

DOCKET NO. 18-035-12

- 2 -

parties' agreed-to terms and conditions will allow Commnet to attach certain equipment, such as antennas and Small Cell wireless communication devices, to PacifiCorp's poles in Utah. The DPU states the Agreement will allow Commnet to conduct its business in a number of areas within the state of Utah. The DPU concludes the terms and conditions in the Agreement are reasonable and conform to R746-345-3(A). The DPU recommends the PSC approve the Agreement.

ORDER

Having reviewed PacifiCorp's Application, the Agreement at issue, the DPU's comments, and there being no opposition to the Application, the PSC finds approval of the Application to be just, reasonable, and in the public interest. Therefore, we approve the Application.

DATED at Salt Lake City, Utah, June 12, 2018.

/s/ Michael J. Hammer
Presiding Officer

Approved and Confirmed June 12, 2018, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#302785

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of this written order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on June 12, 2018, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

Data Request Response Center (datarequest@pacificorp.com, utahdockets@pacificorp.com)
PacifiCorp

Jana Saba (jana.saba@pacificorp.com)
Daniel Solander (daniel.solander@pacificorp.com)
Rocky Mountain Power

Carol Pruitt (carol.pruitt@one.Commnet.com)
John Davies (john.davies@Commnet.com)
COMMNET Communications Services, LLC

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Steven Snarr (stevensnarr@agutah.gov)
Assistant Utah Attorneys General

Erika Tedder (etedder@utah.gov)
Utah Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant