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Submitted April 15, 2005

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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| |) | |
| |) | Docket No. 04-999-03 |
| In the Matter of an Investigation into Pole |) | |
| Attachments |) | REPLY BRIEF |
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The Division of Public Utilities (Division) hereby submits its reply brief addressing the Division's response to parties' initial briefs on the proposed standard contract.

H.I. Issue No. 1 – Fees

The Division supports the suggested language changes of URTA concerning fees, Sections 3.01, 3.20, 3.25, and 5.02 of the proposed contract.

III.II. Issue No. 2 – Timeframes.

The Division supports the suggested language changes of URTA concerning timeframes, Sections 3.02 and 3.09 of the proposed contract. This language supports the Division's position for a 30-day timeframes for application and make-ready. This Division disagrees with the language proposed by UTPOIA, which requires a penalty for failure to complete make-ready.

III. Issues No. 3 – Service Drops

The Division supports URTA's the deletion to Section 3.02 of the proposed contract. The provision deleted does not appear to be necessary.

IV. Issue No. 4 – Overlapping.

The Division supports Qwest's additions to Section 3.01 of the proposed contract to set a standard for temporary overlapping.

V. Issues No. 5 – Audit Costs.

We recognize that the parties have differing positions on this issue; however, the Division reiterates its position that audit costs should be borne by all attachers to poles. The Division continues to support the contract language as filed in Attachment A to our initial brief.

VI. Issue No. 6 – Easements.

The Division reiterates its position that the proposed contract language as filed with the Division's initial brief is sufficient.

VII. Issue No. 7 – Relocation Costs.

The Division supports the position of Qwest and the URTA. The Division recommends adopting the clarifications as set forth by both these parties in their initial briefs.

VIII. Issue No. 8 – Disputed Bills.

The Division reiterates its proposal to require payment of disputed amounts with a longer timeframe of 60 days versus the normal payment requirement timeframe of 30 days. See the Division's initial brief.

IX. Issues No. 9 – Indemnity, Liability and Damages, & Issue No. 10 – Insurance

The Division supports the language proposed by Qwest for Articles IX and X of the contract.

RESPECTFULLY SUBMITTED this 13th day of May, 2005.

UTAH DIVISION OF PUBLIC UTILITIES

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April 4, 2005, an original, five (5) true and correct copies, and an electronic copy of the foregoing **INITIAL BRIEF** were hand-delivered to:

Ms. Julie Orchard
Commission Secretary
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and a true and correct copy mailed, postage prepaid thereon, and electronically mailed to:

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