



State of Utah
Department of Commerce
Division of Public Utilities

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April 25, 2011

TO: PUBLIC SERVICE COMMISSION

FROM: DIVISION OF PUBLIC UTILITIES

Chris Parker, Director
Bill Duncan, Manager, Telecommunications and Water
Paul M. Anderson, Utility Technical Consultant

RE: Docket No. 11-050-T02 Navajo Communications Company filing to remove restrictive language “government entity or political division” and include clarifying language “to the extent payment does not conflict with federal, state, or local law”, per Commission staff request which was proposed in Docket No. 11-050-T01.

ISSUE:

Navajo Communications Company (Navajo) is filing this addition to its existing tariff, to address Relocation of Utility Facilities and is now proposing to include the following paragraph in its tariff:

When an applicant, customer, association or other third-party requests a change in the type, location or the relocation of aerial or underground of communications facilities used to provide telephone service, the requestor shall be required to pay the cost incurred by the Utility for such change or relocation of facilities to the extent payment does not conflict with federal, state, or local law. Payment for the cost of the change or relocation must be made prior to the change or relocation.

RECOMMENDATION: Approve Tariff Modification

The Division has reviewed this modification for any rate increase to base rates that would require a rate hearing and has found none. The Division has noted the change in wording from the previous rejected request for tariff modification (Docket No. 11-050-T01) for Navajo that the Commission requested. The Division was concerned that the original wording of “government entity or political division” indicates that a State, County

or Municipality will be required to pay for requested changes or relocation of company communication facilities, especially in the event of highway improvement, street widening, etc. and the wording also appears to conflict with Utah law regarding cost of relocation in rights of way—interstate and state highways. The new or changed/omitted language has corrected this conflict.

The Division therefore recommends that the tariff be approved and that this filing become effective on May 1, 2011.

cc: Raymond Deede, Manager, Government & External Affairs, Navajo
Communications Company
Patricia E. Schmid, Assistant Attorney General
Marialie Martinez, Manager, Customer Service, Utah Division of Public
Utilities