

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of )  
COMCAST CABLE COMMUNICATIONS, INC., a )  
Pennsylvania Corporation, )  
 )  
Claimant, )  
vs. )  
 )  
PACIFICORP, dba UTAH POWER, an Oregon )  
Corporation, )  
 )  
Respondent. )

DOCKET NO. 03-035-28

ORDER OF CLARIFICATION

ISSUED: February 10, 2005

By The Commission:

On January 20, 2005, PacifiCorp filed its Request for Rehearing arguing that our Order of December 21, 2004 (“Order”) allowing Comcast to submit evidence of pole attachment authorization without due process safeguards violates PacifiCorp’s rights. On February 4, 2005, Comcast submitted its Opposition to PacifiCorp’s Request for Rehearing and Opposition to PacifiCorp’s Compliance Filing claiming that PacifiCorp will suffer no harm as a result of Comcast submitting further evidence of attachment authorization. On February 8, 2005, PacifiCorp restated its due process concerns in its Reply in Support of Request for Rehearing.

By permitting Comcast additional time to submit evidence of attachment authorization to PacifiCorp, we did not, and do not, intend that PacifiCorp must accept as accurate and adequate whatever documentation Comcast may present. We expect that any information Comcast submits to PacifiCorp will be supported by a detailed analysis of its records resulting in identification, along with supporting documentation, of specific poles containing authorized attachments heretofore identified by PacifiCorp as unauthorized. We do not expect Comcast to merely continue its general claims of authorization or to attempt to shift the burden to PacifiCorp, nor would we be inclined to find such action reasonable. The burden rests on Comcast to make its case by specific reference to authorization documentation identifying specific poles.

Upon Comcast presentation of such documentation, PacifiCorp has thirty days to evaluate the information and either (1) accept it and take further action in accordance with our Order, or (2) reject it and petition the Commission for resolution. We believe the opportunity to petition the Commission, which we had intended by our Order and which we now make clear, sufficiently protects PacifiCorp's due process rights in this matter. Unless and until PacifiCorp submits such a request, we see no need for further Commission action in this matter.

DATED at Salt Lake City, Utah, this 10<sup>th</sup> day of February, 2005.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#42740