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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of
ROCKY MOUNTAIN POWER for Approval
of Standard Non-reciprocal Pole Attachment
Agreement

DOCKET No. 10-035-43

**SUPPLEMENTAL AND
CLARIFYING FILING OF ROCKY
MOUNTAIN POWER**

PacifiCorp, doing business in Utah as Rocky Mountain Power (“Rocky Mountain Power” or “Company”) respectfully submits this Supplemental and Clarifying Filing in response to comments filed by the Division and other parties in this docket.¹ The purpose of this filing is to: 1) submit exhibits that were inadvertently omitted from the Company’s Application in this docket, and 2) further explain the nature of the Company’s Application.

1. Parties noted the absence of certain exhibits to the proposed standard non-reciprocal pole attachment (“Agreement”). The Company apologizes for that omission, and submits Exhibits A, B, C and D herewith.

2. Pursuant to Commission Rule R.746-345-3, Rocky Mountain Power is obligated to submit to the Commission for approval a standard contract specifying the rates, terms and conditions for pole attachments. The Company filed the Agreement in order to satisfy that Rule

¹ The Company reserves the right to respond to parties’ specific comments in subsequent comments or testimony.

requirement. Various parties submitted comments reflecting their understanding and concern that the Agreement would change or replace the “Safe Harbor” agreement approved by the Commission in Docket No. 04-999-03. That is not the Company’s intent. As noted in the comments filed by Comcast Phone of Utah, LLC, the Commission stated in its February 2, 2006, letter to parties in Docket No. 04-999-03 that the terms of the Safe Harbor agreement “will be the default provisions for the generic agreements or where parties do not, or cannot, propose alternative mutually agreed upon terms.” The Company’s intent is not to change or replace the Safe Harbor agreement, but rather, to set forth the Company’s proposed standard terms for negotiating non-reciprocal contracts with pole attachers.

3. The proposed Agreement is similar to non-reciprocal pole attachment agreements used by the Company in other states, and the Company’s use of a standard form of contract as a basis for negotiations with pole attachers is expected to minimize the Company’s cost of negotiating such contracts in Utah and the other states, as well as the cost of administering the contracts. Likewise, for parties that have operations not only in Utah, but also in the Company’s other service territory states, their costs of negotiation and administration should similarly be lower than if they had a variety of different forms of pole attachment agreements to deal with. As noted in the Company’s Application, pole attachment agreements substantially similar to the Agreement have been successfully negotiated with TCG Utah and Leavitt Group Enterprises; additional such contracts have been entered into since (*see* Docket Nos. 10-035-59 (Alliant Techsystems); 10-035-61 (Breakaway Wireless, a d/b/a for Manti Tele Communications Company, a member of URTA); and 10-035-42 (South Central Communications, a member of URTA)). Parties have yet to turn to the Commission and use the Safe Harbor agreement as a default for a pole attachment agreement, and the Company intends to continue to negotiate with

parties in good faith, using the Agreement as the standard form for those negotiations, to the extent negotiations are necessary.

4. The Company believes that parties' concerns and this matter, can be resolved with the issuance of an order by the Commission approving the proposed Agreement as the Company's standard contract for negotiating non-reciprocal pole attachment agreements in Utah, to the extent negotiations are necessary. If the Commission desires, the Company is certainly open to a technical conference to discuss parties' concerns.

DATED this 30th day of June, 2010.

Respectfully submitted,

Daniel E. Solander
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Rocky Mountain Power

Attorneys for Rocky Mountain Power

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **SUPPLEMENTAL AND CLARIFYING FILING** to be served upon the following by electronic mail or U.S. postage to the addresses shown below on June 30, 2010:

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