



State of Utah Department of Commerce Division of Public Utilities

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To: Public Service Commission

From: Phil Powlick, Director
Artie Powell, Energy Section Manager
Joni Zenger, Technical Consultant

Date: July 1, 2010

Re: Docket No. 10-035-43, In the Matter of the Application of Rocky Mountain Power for Approval of Standard Non-Reciprocal Pole Attachment Agreement.

RECOMMENDATION

The Division recommends that the Commission deny the Company's request for Commission approval of its proposed Standard Agreement at this time and issue a scheduling order. The Division reaffirms our previous comments of April 29, 2010, requesting that the Commission issue a scheduling order such that the Company can respond to comments filed by interested parties and that parties have the opportunity to respond to Rocky Mountain Power's response.

The Division also requests that the Company's original application and this notice of scheduling be distributed to a broad group including both those on telephone and electric standard service lists.

DISCUSSION

On or about April 27, 2010, Rocky Mountain Power ("Company") filed with the Public Service Commission ("Commission") an application for approval of a Standard Non-Reciprocal Pole Attachment Agreement ("Agreement"). On April 29, 2010, the Division filed comments requesting the Commission set a scheduling order in this matter.

On July 1, 2010, the Company filed a Supplemental and Clarifying Filing. With this filing, the Company submitted its Exhibits A, B, C, and D that were inadvertently left out of its April 27 filing. In addition, the Company clarified that its proposed Agreement is not meant to change or replace the Safe Harbor agreement approved by the Commission in Docket No. 04-999-03. Instead, the proposed Agreement was filed to set forth the Company's proposed standard terms for negotiating non-reciprocal agreements. The Company claims that the proposed Agreement would minimize the Company's cost of negotiating and administering contracts. The Company also states that parties' concerns will be resolved if the Commission issues an order approving its proposed Non-reciprocal Standard Agreement.

Rule 746-345-3 (1) states the following:

A pole owner must petition the Commission for any changes or modifications to the rates, terms or conditions of its tariff, standard contract, or SGAT. A petition for change or modification must include a showing why the rate, term or condition is no longer just and reasonable.

CONCLUSION AND RECOMMENDATION

The Division does not believe that the Company has adequately demonstrated why the Standard Agreement approved in Docket No. 04-999-03 is no longer just and reasonable or will not work for the basis of negotiating non-reciprocal agreements. In addition, the Company has not responded to individual concerns and comments expressly filed by interested parties in this docket. Therefore, the Division believes the Commission should deny the request for an order at this time that approves the Company's proposed Non-reciprocal Standard Agreement and instead requests that the Commission issue a scheduling order so that interested parties can have their concerns addressed by the Company and so that the Company can further demonstrate why the Commission-approved Standard Agreement is no longer just and reasonable.

CC Michele Beck, Office of Consumer Services

Dave Taylor, Rocky Mountain Power