

Daniel E. Solander (11467)
Barbara Ishimatsu (10945)
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, Utah 84111
Telephone No. (801) 220-4640
Facsimile No. (801) 220-3299
barbara.ishimatsu@pacificorp.com

Attorneys for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of
ROCKY MOUNTAIN POWER for Approval
of the Pole Attachment Agreement between
PacifiCorp and Manti Tele Communications
Co., Inc.

DOCKET No. 10-035-____

**APPLICATION OF ROCKY
MOUNTAIN POWER**

PacifiCorp, doing business in Utah as Rocky Mountain Power (“Rocky Mountain Power” or “Company”) respectfully requests an order under Utah Admin. Code R746-345-3 approving a Pole Attachment Agreement (the “Agreement”) between PacifiCorp and Manti Tele Communications Co, Inc. (“Break Away Wireless”) dated May 11, 2010. Each of Rocky Mountain Power and Break Away Wireless are referred to as a “Party” and together referred to as the “Parties.”

In support of its Application, Rocky Mountain Power states as follows:

1. Rocky Mountain Power is a public utility in the state of Utah and is subject to the jurisdiction of the Commission with regard to its rates and service. As a public utility that permits attachments to its poles by an attaching entity, Rocky Mountain Power is obligated to provide that service pursuant to the requirements in Utah Admin. Rules, R.746-345 governing pole attachments. Rocky Mountain has previously submitted for Commission approval pole attachment agreements with TCG Utah and Leavitt Group Enterprises, which agreements were

approved by the Commission in Docket Nos. 09-035-52 and 10-035-01, respectively. Rocky Mountain Power currently has pending for Commission approval a reciprocal pole attachment agreement with South Central Communications in Docket No. 10-035-42, a non-reciprocal pole attachment agreement with Alliant Techsystems in Docket No. 10-035-___, as well as a non-reciprocal pole attachment template in Docket No. 10-035-43.

2. Communications regarding this Application should be addressed to:

By e-mail (preferred): datarequest@pacificorp.com
Dave.taylor@pacificorp.com
Barbara.ishimatsu@pacificorp.com

By mail: Data Request Response Center
Rocky Mountain Power
825 NE Multnomah St., Suite 800
Portland, OR 97232

Dave Taylor
Rocky Mountain Power
201 South Main, Suite 2300
Salt Lake City, UT 84111
Telephone: (801) 220-2923

Barbara Ishimatsu
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, UT 84111
Telephone: (801) 220-4640

3. Under R746-345-3(B)(1), the parties to pole attachment contracts which differ from the terms in a Commission-approved contract “shall submit the negotiated contract to the Commission for approval.” The Agreement negotiated between Rocky Mountain Power and Break Away Wireless contains terms which differ from the safe harbor agreement approved by the Commission in Docket 04-999-03.

4. The Agreement negotiated between Rocky Mountain Power and Break Away Wireless is substantially the same as the pole attachment agreement with Leavitt Group Enterprises with the exception of sections 6.01 and 6.02 which reflect the Company's updated credit and insurance provisions and it does not contain a confidentiality provision. The Agreement reflects the non-reciprocal relationship between the licensee and Rocky Mountain Power. The Agreement was jointly negotiated between the Parties and represents the agreed-to terms and conditions for Break Away Wireless' attachments to Rocky Mountain Power's poles.

WHEREFORE, Rocky Mountain Power respectfully requests that the Commission issue an order approving the Agreement submitted herewith and finding the terms and conditions of the Agreement to be just and reasonable and in the public interest.

DATED this 17th day of May, 2010.

Respectfully submitted,

Daniel Solander
Barbara Ishimatsu
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 **APPLICATION FOR APPROVAL OF THE POLE ATTACHMENT AGREEMENT BETWEEN PACIFICORP AND MANTI TELE COMMUNICATIONS CO., INC.** to be served upon the following by electronic mail or U.S. postage to the addresses shown below on May 17, 2010:

<p>Kira M. Slawson Blackburn & Stoll, LC 257 East 200 South, Suite 800 Salt Lake City, UT 84111-2048 KiraM@blackburn-stoll.com</p>	
<p>Cheryl Murray Dan Gimble Michele Beck Office of Consumer Services 160 East 300 South, 2nd Floor Salt Lake City, UT 84111 cmurray@utah.gov dgimble@utah.gov mbeck@utah.gov</p>	<p>Paul Proctor Office of Consumer Services Heber M. Wells Bldg., Fifth Floor 160 East 300 South Salt Lake City, UT 84111 pproctor@utah.gov</p>
<p>Michael Ginsberg Patricia Schmid Assistant Attorney General Utah Division of Public Utilities Heber M. Wells Bldg., Fifth Floor 160 East 300 South Salt Lake City, UT 84111 mginsberg@utah.gov pschmid@utah.gov</p>	<p>Dennis Miller William Powell Philip Powlick Division of Public Utilities Heber M. Wells Building 160 East 300 South, 4th Floor Salt Lake City, UT 84111 dennismiller@utah.gov wpowell@utah.gov philippowlick@utah.gov</p>

Paralegal