

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Rocky)
Mountain Power for Approval of a Pole)
Attachment Agreement between PacifiCorp)
and Manti Tele Communications Co., Inc.)
)

DOCKET NO. 10-035-61

REPORT AND ORDER

ISSUED: August 17, 2010

By The Commission:

This matter is before the Commission on Rocky Mountain Power's (the "Company") application for approval of a pole attachment agreement (the "Agreement") with Manti Tele Communications Co., Inc. ("Manti"). The Agreement was negotiated jointly by the parties, and then signed by Manti on April 27, 2010, and by PacifiCorp on May 11, 2010. The Company filed its application on May 17, 2010, and attached a copy of the negotiated Agreement to the Application.

The Agreement differs from the "safe harbor" pole attachment agreement approved in Docket No. 04-999-03. Therefore, pursuant to Utah Admin. R746-345-3(B)(1), the Company must obtain Commission approval for its use. The Division of Public Utilities (the "Division") submitted its recommendation on July 14, 2010. It stated it reviewed the Application, the negotiated Agreement and the Commission rules on pole attachments. It also noted this Agreement was timely filed. The Division commented on the Agreement's substantive and non-substantive changes to the Agreement when compared with the safe harbor agreement. It noted with the exception of certain changes to the insurance provisions in the Agreement with Manti, the Commission previously approved similar changes in Dockets No. 10-035-01 (Leavitt Group) and No. 09-035-52 (TCG Utah). The Division found the changes and

terms, including the insurance provisions, to be just, reasonable and in the public interest. As such, the Division recommended approval.

ORDER

Having reviewed the application and attachments, and the Division recommending approval, and finding the approval of the application to be just and reasonable and in the public interest, the Commission approves the application.

Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the Commission within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of Sections 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 17th day of August, 2010.

/s/ Ruben H. Arredondo
Administrative Law Judge

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Approved and confirmed this 17th day of August, 2010, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#68113