

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

Attorney for Rocky Mountain Power

and

Torry R. Somers
CenturyLink
6700 Via Austi Pkwy.
Las Vegas, NV 89119
Ph: (702) 244-8100
Fax: (702) 244-7775
torry.r.somers@centurylink.com

Attorney for CenturyLink

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Joint Petition of Rocky Mountain Power and Qwest Corporation dba CenturyLink For Approval of an Electronic Notification System for Pole Attachments	DOCKET No. 11-035-____ JOINT PETITION FOR APPROVAL OF AN ELECTRONIC NOTIFICATION SYSTEM FOR POLE ATTACHMENTS
--	---

Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power”) and Qwest Corporation d/b/a CenturyLink (“CenturyLink”) respectfully request that the Public Service Commission of Utah (“Commission”) approve the use of an electronic notification system (“ENS”) known as “Notify” for establishing and managing the pole attachment relationship between pole owners and attaching entities. The “safe harbor” agreements, approved by the

Commission in Docket 04-999-03, contemplate the use of an ENS following Commission approval. In support of this Joint Petition, Rocky Mountain Power and CenturyLink offer the following supporting information:

1. On March 11, 2004, the Division of Public Utilities filed a Request to Open an Investigation Docket concerning pole attachment issues in Utah.
2. The Commission opened Docket No. 04-999-03 and conducted a series of technical conferences in anticipation of making rule changes and accepting a template “safe harbor” pole attachment agreement that the parties may opt into if they are unable to agree to pole attachment terms through negotiations.
3. In Docket No. 04-999-03, the Commission approved a template “safe harbor” agreement for all pole owners and another specifically for CenturyLink. The Commission’s “safe harbor” agreement was filed in Docket 10-035-97 and is available at <http://www.psc.state.ut.us/utilities/electric/elecindx/2010/documents/690380499903rrcshpaa.pdf>. The CenturyLink “safe harbor” agreement, filed April 17, 2006 in Docket 04-999-03, was approved by Order of August 28, 2006 and is available at <http://www.psc.state.ut.us/utilities/misc/04docs/0499903/ExhibitA-Std%20Contract%204-14-06.doc>.
4. Both “safe harbor” agreements contemplate that the Commission can approve the use of an electronic notification system with respect to pole attachments.
5. Specifically, the “safe harbor” agreements define Electronic Notification System as follows:

“Electronic Notification System” or “ENS” means the electronic system or combination of electronic systems that may be approved by the Commission and adopted in Utah. When adopted, the Parties must utilize ENS to submit applications for permission to attach, relocate, or remove Equipment under the terms of this Agreement, and respond to request for work to be performed.

Safe Harbor Agreement, Article I. Definitions.

6. Further, Section 3.01 of the “Safe Harbor” agreements recognize the use of an ENS, and state in part as follows:

In the event the Commission approves an ENS, the Parties will use the approved ENS to submit, approve and/or deny applications for permission to attach, relocate or remove Equipment and will follow all procedures required by such ENS.

Safe Harbor Agreement, Article III, Section 3.01.

7. Lastly, Section 3.09 of the “safe harbor” agreements refer to an ENS and state in part as follows:

If Licensee is willing to bear the cost of all Make-ready Work necessary, as determined by Pole Owner, Licensee shall so indicate via ENS or in writing within thirty (30) days of the date of Pole Owner’s response to Licensee’s initial application.

Safe Harbor agreement, Article III, Section 3.09

8. Given the references to ENS in the “safe harbor” agreements, it is apparent that the Commission contemplated that parties can utilize an ENS after the Commission approves its use.

9. By way of this Joint Petition, Rocky Mountain Power and CenturyLink specifically seek the Commission’s approval of an ENS system known as Notify.

10. Notify is a free to use, web based, electronic notification system that can be used to submit applications for permission to attach, relocate, or remove pole attachment equipment, and can be used for other communications between pole owners and pole attachers. Pole attachers do not need any additional computer software or hardware to utilize Notify.

11. Information regarding Notify can be found at www.notify.com.¹ Further, a guide for getting started with Notify is attached hereto as Exhibit 1.

¹ Registration at www.notify.com is free of charge, and will provide access to more detail about the system.

12. Rocky Mountain Power and CenturyLink affiliated entities have already been using Notify in other jurisdictions, and pole attachers have been very happy with the system.
13. The current system for applications and communications between pole owners and pole attachers is a haphazard, manual process. For example, a pole owner may request a new attachment via telephone, fax, or even a scrap of paper. The current process creates a risk that communications may be easily misplaced or lost, and does not create a good record of the communications.
14. Notify will be easy for parties to use, and effortlessly creates a good record of the communications between the parties.
15. Prior to implementation, Rocky Mountain Power and CenturyLink will work with pole attachers to assist with training.
16. No amendments to the “safe harbor” agreements are needed in order for the Commission to approve the use of Notify. As previously set forth, the current “safe harbor” agreements for Rocky Mountain and CenturyLink contemplated the use of an ENS after Commission approval.
17. Further, the Commission’s approval of the Notify ENS will not change the terms of any other existing pole attachment agreement. To the extent an existing pole attachment agreement would permit an ENS if approved by the Commission, Notify will be used as the ENS.
18. Rocky Mountain Power and CenturyLink recommend that the Commission schedule a technical conference so that interested parties can see how easy Notify is to use, and to better understand its functionality.
19. Following the technical conference, if no party files an objection within 14 days, it is recommended that the Commission expeditiously approve the use of Notify as an electronic notification system for pole attachments. To the extent there is an opposition filed within 14

days of the technical conference (or as may otherwise be required by the Commission), Rocky Mountain Power and CenturyLink request that a scheduling conference be set at that time to further discuss how this matter should proceed.

WHEREFORE, Rocky Mountain Power and CenturyLink respectfully request that the Commission approve the use Notify as an ENS as set forth herein.

DATED this 7th day of December, 2011.

ROCKY MOUNTAIN POWER

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

Attorney for Rocky Mountain Power

and

CENTURYLINK

Torry R. Somers
CENTURYLINK
6700 Via Austi Pkwy.
Las Vegas, NV 89119
Ph: (702) 244-8100
Fax: (702) 244-7775
torry.r.somers@centurylink.com

Attorney for CenturyLink