



State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THAD LEVAR
Deputy Director

CHRIS PARKER
Director, Division of Public Utilities

GARY HERBERT.
Governor
GREG BELL
Lieutenant Governor

ACTION REQUEST RESPONSE

To: Public Service Commission

From: Chris Parker, Director
Artie Powell, Energy Section Manager
Thomas Brill, Technical Consultant
Joni Zenger, Technical Consultant
Sam Liu, Utility Analyst

Date: January 11, 2012

Re: Docket No. 11-035-199, Application for Joint Petition of Rocky Mountain Power and Qwest Corporation dba CenturyLink For Approval of an Electronic Notification System for Pole Attachments.

RECOMMENDATION

The Division of Public Utilities (“Division”) recommends that the Public Service Commission (“Commission”) schedule a combined technical and scheduling conference on both the use and the approval process of an Electronic Notification System (“ENS”) for pole attachments. The Division recommends that notice be provided to both the electric and telecommunication utility email lists.

ISSUE

Rocky Mountain Power (“Company”) has requested that the Utah Public Service Commission (“Commission”) approve its Joint Petition with Qwest Corporation dba CenturyLink for Approval of an ENS for Pole Attachments known as “Notify.” The Company filed for approval of its joint petition of an ENS for pole attachments on December 7, 2011. In

the joint petition, the Company and CenturyLink request a technical conference on the use and functionality of Notify for future pole attachment communications.

The Commission issued an Action Request on December 13, 2011, to the Division. This memorandum is the Division's response to the Action Request.

DISCUSSION

In Docket No. 04-999-03 the Commission approved a standard pole attachment agreement, known as the "safe harbor" agreement. The Commission recently re-issued the safe harbor in Docket No. 10-035-97. The definition of an ENS and related language was included in the safe harbor at the time it was developed, and the current Commission approved safe harbor agreement contains the following language:

"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 (Article I. Definitions).

The following reference in Section 3.01 of the safe harbor, contemplates the eventual use of an ENS, if approved by the Commission (bold added):

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 (Section 3.01).

The Company and CenturyLink jointly request a technical conference to demonstrate the use and functionality of Notify. The Company states that Notify is a free, web-based system that can be used by pole owners and attaching entities to expedite and improve pole attachment relations and communications. The Company has attached a "Getting Started" guide as Exhibit 1

to its application. The Company and CenturyLink request expedited approval of the ENS if no party files an objection within 14 days of the technical conference.

While the Division agrees that a technical conference on the use the ENS should be held, the Division objects to an automatic 14-day approval of the system. Rather, the Division recommends that following the Notify demonstration, the Commission conduct a scheduling conference for determining the process, timing, and filing of comments by parties prior to the Commission approving the ENS. The Company and CenturyLink agree to assist with training parties on Notify. After the parties have had a chance to use and evaluate the ENS, the parties should then have an opportunity to comment on whether the Commission should approve Notify or not. This may require longer than the 14 days requested by the Company. Although the Company states the ENS is free, the Division and other parties may have questions or other concerns that may be associated with Notify or that may interfere with the nondiscriminatory access of pole attaching entities to pole owners' poles. The Division will participate in the technical conference and file comments according to the Commission's schedule set forth at the joint scheduling conference in the matter.

CONCLUSION

The Division recommends that the Commission schedule a technical conference to demonstration the use of "Notify" as an ENS for pole attachments. The Division recommends that the technical conference should conclude with the Commission's scheduling conference that sets a schedule and process for approval of the ENS. In addition, the Division recommends that notice of all technical conferences and other related communications in this matter be provided to both the electric utility and telecommunication utility email lists.

CC Dave Taylor, Rocky Mountain Power
Michele Beck, Office of Consumer Services
Barbara Ishimatsu, PacifiCorp
Torry R. Somers, CenturyLink
James Farr, CenturyLink