

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Joint Application of )  
Rocky Mountain Power and Qwest ) DOCKET NO. 11-035-199  
Corporation, d/b/a CenturyLink, for )  
Approval of an Electronic Notification ) ORDER VACATING SCHEDULING  
System for Pole Attachments ) ORDER AND APPROVING  
) ELECTRONIC NOTIFICATION SYSTEM  
) FOR POLE ATTACHMENTS  
)  
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ISSUED: April 27, 2012

By The Commission:

On December 7, 2011, Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power”), and Qwest Corporation, dba CenturyLink (“CenturyLink”), filed a joint petition for approval of an electronic notification system (“ENS”) known as “Notify” for establishing and managing pole attachment relationships between pole owners and attaching entities. See Joint Petition for Approval of an Electronic Notification System for Pole Attachments, filed December 7, 2011. Rocky Mountain Power and CenturyLink note in their joint petition that the “safe harbor” agreements, approved by the Commission in Docket No. 04-999-03, contemplate the use of an ENS following Commission approval. See id. at 1-2.

The Division of Public Utilities (“Division”) filed an action request response on January 11, 2012, recommending a technical and scheduling conference be held on both the use and the approval process of an ENS for pole attachments. See Division Memo, filed January 11, 2012.

On February 23, 2012, a technical and scheduling conference were held in this docket. See Notice of Technical Conference and Scheduling Conference, issued January 13, 2012. The technical and scheduling conference were duly noticed on January 13, 2012. See id.

Thereafter, on February 24, 2012, the administrative law judge for the Commission issued the notice of scheduling order, outlining the cut-off dates for intervention, comments, reply comments, etc. See Notice of Scheduling Order, issued February 24, 2012.

On March 26, 2012, the date designated by the scheduling order as intervention cut-off, Comcast Cable Communications, LLC (“Comcast”) filed a request to intervene. See Petition to Intervene, filed March 26, 2012.<sup>1</sup> Comcast did not, however, file any comments, and the date for doing so elapsed on March 26, 2012 pursuant to the scheduling order. See Notice of Scheduling Order, issued February 24, 2012 (setting March 26, 2012 as the filing deadline for intervention and initial comments).

On April 11, 2012, Rocky Mountain Power and CenturyLink filed a joint motion to vacate the scheduling order and approve the ENS for pole attachments. See Joint Motion to Vacate Scheduling Order and for Approval of an Electronic Notification System for Pole Attachments, filed April 11, 2012. Rocky Mountain Power and CenturyLink contend that because only one party, i.e., Comcast, filed for intervention but did not file any comments, and no other party has filed comments, the remaining scheduling deadlines are unnecessary and the Commission should therefore vacate the remaining scheduling order and approve the Notify system without further proceedings. See id. at 2. On April 12, 2012, the Division filed a response concurring with Rocky Mountain Power and CenturyLink’s joint motion. See Division Memo, filed April 12, 2012. No other party has filed a response to the pending joint motion, and the time for doing so has elapsed. See Utah Admin. Code R746-100-4(D).

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ORDER

Based on the foregoing, the scheduling order, issued February 24, 2012 is hereby vacated, and Notify is hereby approved.

DATED at Salt Lake City, Utah, this 27<sup>th</sup> day of April, 2012.

/s/ Melanie A. Reif  
Administrative Law Judge

Approved and confirmed this 27<sup>th</sup> day of April, 2012, as the Order Vacating Scheduling Order and Approving Electronic Notification System for Pole Attachments of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
D#223490

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<sup>1</sup> Comcast's motion was granted on April 17, 2012. See Motion Granting Intervention, issued April 17, 2012.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27<sup>th</sup> day of April, 2012, a true and correct copy of the foregoing, was served upon the following as indicated below:

By Electronic Mail:

Rocky Mountain Power  
Attention: Ms. Barbara Ishimatsu ([Barbara.Ishimatsu@pacificorp.com](mailto:Barbara.Ishimatsu@pacificorp.com))  
*Counsel for Rocky Mountain Power*

CenturyLink  
Attention: Mr. Torry R. Somers ([t.r.somers@centurylink.com](mailto:t.r.somers@centurylink.com))  
*Counsel for CenturyLink*

Comcast Cable Communications, LLC  
Attention: Mr. Jerold G. Oldroyd ([OldroydJ@ballardspahr.com](mailto:OldroydJ@ballardspahr.com))  
Ms. Sharon M. Bertelsen ([BertelsenS@ballardspahr.com](mailto:BertelsenS@ballardspahr.com))  
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By Hand-Delivery:

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160 East 300 South, 4<sup>th</sup> Floor  
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Administrative Assistant