

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Rocky Mountain Power for Approval of a Pole Attachment Agreement between Rocky Mountain Power and Beehive Broadband, LLC )  
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DOCKET NO. 14-035-26  
ORDER APPROVING POLE ATTACHMENT AGREEMENT

ISSUED: May 7, 2014

This matter is before the Commission on the March 7, 2014, application (“Application”) of PacifiCorp, doing business as Rocky Mountain Power (“PacifiCorp”), for approval of a pole attachment agreement (“Agreement”) with Beehive Broadband, LLC (“Beehive”). The Agreement is attached as an exhibit to the Application and PacifiCorp’s Joint Use Distribution Construction Standards and Electric Service Schedule No. 4 are attached as exhibits to the Agreement.

PacifiCorp notes that under Utah Admin. § R746-345-3(B)(1), parties to a pole attachment contract may voluntarily negotiate and submit to the Commission for approval, an agreement that differs from the pole attachment agreement approved by the Commission in Docket No. 10-035-97 (“Safe Harbor Agreement”).<sup>1</sup> PacifiCorp further indicates the Agreement was voluntarily negotiated between PacifiCorp and Beehive and represents the parties’ agreed-to terms and conditions for Beehive’s attachments to PacifiCorp’s poles in Utah. PacifiCorp states that the Agreement is substantively the same as the pole attachment agreement negotiated

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<sup>1</sup> *In the Matter of the Consolidated Applications of Rocky Mountain Power for Approval of Standard Reciprocal and Non-Reciprocal Pole Attachment Agreements*, Docket No. 10-035-97 (Report and Order; November 21, 2012).

between PacifiCorp and Zayo Group, LLC, approved by the Commission in Docket No. 12-035-114.<sup>2</sup>

Pursuant to the Commission's March 11, 2014, notice of filing and comment period, the Division of Public Utilities (the "Division") submitted its action request response on April 7, 2014. To perform its analysis, the Division reviewed the Application, the Agreement and accompanying exhibits, the Zayo Agreement and the Safe Harbor Agreement. Based on its review, the Division indicates the terms and conditions of the Agreement are, for the most part, consistent with the Safe Harbor Agreement. The Division further indicates that each of the terms and conditions of the Agreement was negotiated and agreed to by PacifiCorp and Beehive and are reasonable and balanced. As such, the Division recommends the Commission approve the Application.

ORDER

Based on our review of the Application and attachments, the Division's recommendation, and the lack of opposition to the Application, we find approval of the Application to be just and reasonable, and in the public interest, and therefore the Application is approved.

DATED at Salt Lake City, Utah, this 7<sup>th</sup> day of May, 2014.

/s/ Jordan A. White  
Presiding Officer

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<sup>2</sup> *In the Matter of the Application of Rocky Mountain Power for Approval of the Pole Attachment Agreement between Rocky Mountain Power and Zayo Group, LLC, Docket No. 12-035-114 (Order Approving Pole Attachment Agreement, Subject to Filing of Revised Electric Service Schedule No. 4; January 9, 2013).*

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Approved and confirmed this 7<sup>th</sup> day of May, 2014, as the Order of the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
DW#254111

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the 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 fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, 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 Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on the 7<sup>th</sup> day of May, 2014, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Beehive Broadband, LLC  
2000 E Sunset Road  
Lake Point, UT 84074

By Electronic-Mail:

Data Request Response Center ([datarequest@pacificorp.com](mailto:datarequest@pacificorp.com))  
PacifiCorp

Dave Taylor ([dave.taylor@pacificorp.com](mailto:dave.taylor@pacificorp.com))  
Yvonne R. Hogle ([yvonne.hogle@pacificorp.com](mailto:yvonne.hogle@pacificorp.com))  
Rocky Mountain Power

By Hand-Delivery:

Division of Public Utilities  
160 East 300 South, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111

Office of Consumer Services  
160 East 300 South, 2<sup>nd</sup> Floor  
Salt Lake City, Utah 84111

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Administrative Assistant