

- 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 Rocky Mountain Power and New Path Networks, LLC)
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DOCKET NO. 15-035-23
ORDER APPROVING POLE ATTACHMENT AGREEMENT

ISSUED: April 29, 2015

On March 5, 2015, PacifiCorp, doing business as Rocky Mountain Power (“PacifiCorp”) submitted its Application for Approval of the Pole Attachment Agreement between Rocky Mountain Power and New Path Networks, LLC (“Application”). On March 6, 2015, the Commission issued a Notice of Filing and Comment Period, allowing interested parties to submit comments on or before April 6, 2015, and reply comments on or before April 21, 2015. On April 2, 2015, the Division of Public Utilities (“Division”) submitted comments on the Application. No other party submitted comments on PacifiCorp’s Application, and the Commission received no replies to the Division’s comments.

The Application explains the agreement at issue is non-reciprocal and deviates in some respects from the standard contract the Commission approved on November 21, 2012, commonly referred to as the “Safe Harbor Agreement.”¹ The Application asserts R746-345-3(B)(1) allows parties to voluntarily negotiate alternative terms, subject to Commission approval, and that the terms proposed in the Application are substantially similar to terms the Commission previously approved in another docket last year.²

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

² See Docket No. 14-035-26, *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*, Order Approving Pole

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In its comments, the Division enumerates deviations in the agreement at issue as compared to the approved "Safe Harbor Agreement." The Division states that these deviations are reasonable and emphasizes that the parties appear to have freely negotiated and agreed to them. The Division also points out that the rate established in the agreement is culled directly from Service Schedule No. 4, on file with the Commission. The Division concludes the terms and conditions in the agreement are reasonable and balanced and recommends the Commission approve the Application.

ORDER

Having reviewed PacifiCorp's Application, the agreement at issue and the Division's comments and there being no opposition to the Application, the Commission finds approval of the Application to be just, reasonable, and in the public interest. Therefore, the Application is approved.

DATED at Salt Lake City, Utah, this 29th day of April, 2015.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#265925

Attachment Agreement (May 7, 2014).

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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 written 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 29th day of April, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Data Request Response Center (datarequest@pacificorp.com)
PacifiCorp

Bob Lively (bob.lively@pacificorp.com)
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By Hand-Delivery

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Administrative Assistant