

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Rocky Mountain Power for Approval of the Pole Attachment Agreement between Rocky Mountain Power and Mobilitie, LLC	<u>DOCKET NO. 16-035-22</u>
In the Matter of the Application of Rocky Mountain Power for Approval of the Pole Attachment Agreement for Small Cell and Wi-Fi Antennas between Rocky Mountain Power and Mobilitie, LLC	<u>DOCKET NO. 16-035-23</u> <u>ORDER</u>

ISSUED: July 21, 2016

On June 2, 2016, PacifiCorp, doing business as Rocky Mountain Power (PacifiCorp) submitted the above filings (Applications). On June 3, 2016, the Commission issued a Notice of Filing and Comment Period, allowing interested parties to submit comments on or before July 5, 2016 and reply comments on or before July 19, 2016. On July 5, 2016, the Division of Public Utilities (Division) submitted comments on both Applications. No party filed reply comments.

The Applications explain the pole attachment agreements (Agreements) are non-reciprocal and they deviate in some respects from the standard agreement the Commission approved on November 21, 2012 in Docket No. 10-035-97, commonly referred to as the Safe Harbor Agreement.¹ The Applications note Utah Admin. Code R746-345-3(B)(1) allows parties to voluntarily negotiate alternative terms, subject to Commission approval, and that the terms

¹ See *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, issued November 21, 2012), Docket No. 10-035-97.

proposed in the Applications are substantially similar to terms the Commission approved in another docket last year.²

In its comments, the Division enumerates all substantive deviations in the Agreements at issue as compared to the Safe Harbor Agreement. The Division states that these deviations are reasonable, emphasizing the parties freely negotiated and agreed to the terms. The Division also points out that the rental rates established in the Agreements are calculated directly from, and comply with, Electric Service Schedule No. 4, on file with the Commission. The Division concludes the terms and conditions in the Agreements are reasonable and recommends the Commission approve the Applications.

ORDER

Having reviewed PacifiCorp's Applications, the Agreements at issue, the Division's comments and recommendations, and there being no opposition to the Applications, we find approval of the Applications to be just, reasonable and in the public interest. Therefore, we approve the Applications.

² See *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* (Order Approving Pole Attachment Agreement, issued April 29, 2015), Docket No. 15-035-23.

DATED at Salt Lake City, Utah, July 21, 2016.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#287168

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 this written 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 July 21, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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