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Attorney for Rocky Mountain Power

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 NewPath Networks, LLC	DOCKET No. 17-035-____ APPLICATION OF ROCKY MOUNTAIN POWER
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PacifiCorp, doing business in Utah as Rocky Mountain Power (“Rocky Mountain Power” or “Company”) respectfully requests an order under Utah Admin. Code R746-345-3 approving a Pole Attachment Agreement for Small Cells (the “Agreement”) between Rocky Mountain Power and NewPath Networks, LLC (“NewPath” or “Licensee”), dated December 21, 2016, attached hereto as Attachment A. Rocky Mountain Power and NewPath are referred to, individually, as a “Party” and together as the “Parties.”

In support of its Application, Rocky Mountain Power states as follows:

1. Rocky Mountain Power is a public utility in the state of Utah, subject to the jurisdiction of the Commission with regard to its rates and service. As a public utility that permits attachments to its poles by an attaching entity, Rocky Mountain Power is obligated to provide that service pursuant to Utah Admin. Rule R.746-345. Rocky Mountain has previously submitted, and received Commission approval for, non-reciprocal pole attachment agreements with several parties.

2. Communications regarding this Application should be addressed to:

By e-mail (preferred): datarequest@pacificorp.com
bob.lively@pacificorp.com
daniel.solander@pacificorp.com

By mail: Data Request Response Center
Rocky Mountain Power
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3. Under R746-345-3(B)(1), the parties to pole attachment contracts “may voluntarily negotiate an alternative contract . . . [and] shall submit the negotiated contract to the Commission for approval.” The Agreement was voluntarily negotiated between Rocky Mountain Power and NewPath and represents the Parties’ agreed-to terms and conditions for NewPath’s attachments to Rocky Mountain Power’s poles in Utah.

4. As with other pole attachment agreements approved by the Commission over the last several years, the Agreement negotiated between Rocky Mountain Power and NewPath contains terms that differ from the agreement approved by the Commission on November 21, 2012, in Docket 10-035-97, known as the “Safe Harbor.”

a. The Agreement modifies the definitions by: (1) specifying that “Applications” will be for Small Cell Attachments; (2) stating that “Attachments” will be for Equipment used for transmission of wireless technology communications; (3) clarifying that

“Equipment” does not include power supply equipment; and (4) adds a definition for “Small Cells.”

b. The Agreement also: adds a requirement that Licensee must clearly label its Attachments in conformance with Commission Rules; requires signage regarding RF emissions; contains changes to the Insurance and Bonding Requirements; contains changes to the Security, Indemnification, and Assignment requirements; and creates an initial term of 10 years, with the opportunity for two five-year renewals.

c. Additional minor changes from the Safe Harbor agreement are simply non-substantive wording changes or are changes negotiated between the parties. A table of contents was added for convenience.

WHEREFORE, Rocky Mountain Power respectfully requests that the Commission issue an order approving the Agreement submitted herewith and find the terms and conditions of the Agreement to be just and reasonable and in the public interest.

DATED this 7th of February, 2017.

Respectfully submitted,



Daniel E. Solander

Attorney for Rocky Mountain Power

ATTACHMENT A

Pole Attachment Agreement for Small Cells

December 21, 2016

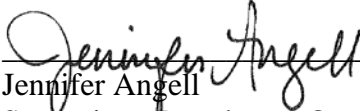
CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **APPLICATION for APPROVAL OF THE POLE ATTACHMENT AGREEMENT BETWEEN ROCKY MOUNTAIN POWER AND NEWPATH NETWORKS, LLC** be served upon the following by electronic mail or U.S. postage to the addresses shown below on February 7, 2017:

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Cheryl Murray
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