

- 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 MCImetro Transmission Access Service Corporation	<u>DOCKET NO. 17-035-33</u> <u>ORDER</u>
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ISSUED: July 11, 2017

On May 18, 2017, PacifiCorp, doing business as Rocky Mountain Power (PacifiCorp) submitted the above filing (Application). On May 23, 2017, the Public Service Commission (PSC) issued a Notice of Filing and Comment Period, allowing interested parties to submit comments on or before June 22, 2017 and reply comments on or before July 7, 2017. On June 22, 2017, the Division of Public Utilities (Division) submitted comments on the Application. No party filed reply comments.

The Application explains the pole attachment agreement, dated April 19, 2017, between PacifiCorp and MCImetro Transmission Access Service Corporation is non-reciprocal and deviates in some respects from the standard contract the PSC approved on November 21, 2012, commonly referred to as the "Safe Harbor Agreement."¹ The Application notes Utah Admin. Code R746-345-3(B)(1) allows parties to voluntarily negotiate alternative terms, subject to PSC approval, and the terms proposed in the Application deviate somewhat from the PSC-approved Safe Harbor Agreement.

In its comments, the Division enumerates deviations in the agreement as compared to the approved Safe Harbor Agreement. The Division states the deviations are generally reasonable

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.

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and appear to be designed to allow PacifiCorp to manage pole attachments more efficiently while providing the licensee more certainty. The Division notes, "[w]here substantive changes to the Safe Harbor [Agreement] have been made, the changes have been balanced, for the most part, between the [p]arties and tend to reflect stricter safety and industry standards."

The Division concludes the terms and conditions of the pole attachment agreement are reasonable and, for the most part, consistent with the PSC-approved Safe Harbor Agreement. Where differences occur, the Division emphasizes they have been agreed to by the parties. Accordingly, the Division recommends approval of the agreement.

ORDER

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

DATED at Salt Lake City, Utah, July 11, 2017.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#295231

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 PSC 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 PSC 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 PSC'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 11, 2017, 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

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By Hand-Delivery:

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