

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for Approval of the Pole Attachment Agreement between Rocky Mountain Power and UBTA-UBET Communications, Inc., Uintah Basin Electronic Telecommunications, L.L.C., d/b/a Strata Networks	<u>DOCKET NO. 17-035-47</u>
	<u>ORDER</u>

ISSUED: October 24, 2017

On August 31, 2017, PacifiCorp, doing business as Rocky Mountain Power (PacifiCorp) submitted the above filing (Application). On September 5, 2017, the Public Service Commission (PSC) issued a Notice of Filing and Comment Period, allowing interested parties to submit comments on or before October 5, 2017 and reply comments on or before October 20, 2017. On October 5, 2017, the Division of Public Utilities (DPU) submitted comments on the Application. No party filed reply comments.

The Application explains the pole attachment agreement, dated August 4, 2017, between PacifiCorp and UBTA-UBET Communications, Inc., Uintah Basin Electronic Telecommunications, L.L.C., d/b/a Strata Networks (Strata) is 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 in several respects from the PSC-approved Safe Harbor Agreement.

¹ See *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.

In its comments, the DPU enumerates what it views as the significant deviations in the agreement as compared to the approved Safe Harbor Agreement. The DPU states the deviations are generally reasonable and appear to be designed to allow PacifiCorp to manage pole attachments more efficiently while providing the licensee more certainty. The DPU notes, "Where substantive changes to the Safe Harbor have been made, the changes have been balanced for the most part with the Licensee and the Company. The Division believes the terms described above are reasonable and, as previously stated, have been mutually agreed to by both Parties."²

The DPU concludes the terms and conditions of the pole attachment agreement between PacifiCorp and Strata are reasonable and balanced. The DPU concludes approving the Application is in the public interest and recommends approval.

ORDER

Having reviewed PacifiCorp's Application, the agreement at issue, the DPU'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.

² DPU Comments at 4.

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DATED at Salt Lake City, Utah, October 24, 2017.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#297545

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 October 24, 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)
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