



State of Utah
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**Division of
Public Utilities**

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DATE: July 12, 2004

TO: Parties to Pole Attachment Rulemaking

FROM: DIVISION OF PUBLIC UTILITIES
Irene Rees, Director
Ron Burrop, Acting Manager, Energy Section
Ingo Henningsen, Manager, Telecommunications Section
Marlin Barrow, Utility Analyst
Krystal Fishlock, Technical Consultant

SUBJECT: Docket No. 04-999-03, In the Matter of an Investigation into Pole Attachments

The Division again thanks all the parties that have submitted comments and information concerning pole attachments. At this time we are submitting to the parties a new proposed rule for discussion at the upcoming technical conference. Attached please find an agenda with attachments.

The Division made numerous "detail" changes to the proposed rule based on the parties' comments. The general provisions of the rule remain the same, with the exception of an adoption of the FCC's presumption of one foot of usable space. A list proposed changes that were not adopted by the Division is included in the agenda for the technical conference. If we have missed anything, please let us know. At this time we are not submitting a proposed agreement. There were numerous issues raised by the parties. We will discuss a plan for going forward with a "standard contract" at the technical conference.

The Division is interested in discussing the feasibility of a statewide average rental rate based on the proposed formula. The Division attempted to combine the costs of PacifiCorp with Qwest to determine a possible statewide average. The results are in Exhibit B to the agenda.

If you have any questions please call Marlin Barrow at 801-530-6675 or Krystal Fishlock at 801-530-6776.