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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of an Investigation into Pole Attachments	:	DOCKET NO. 04-999-03
	:	
	:	INITIAL COMMENTS OF QWEST CORPORATION
	:	

Qwest Corporation (“Qwest”), by and through its attorneys, hereby submits its Initial Comments in accordance with the schedule established by the Public Service Commission of Utah (the Commission) on March 19, 2004. As identified in the Commission’s scheduling order, the Division of Public Utilities (Division) has requested that two general issues (both of which contain several sub-issues) be investigated in this docket—pole attachment regulations and the general terms and conditions included in pole attachment contracts. Qwest concurs that both of these general issues are appropriate issues for this docket. As mentioned by the Division in its Request to Open an Investigative Docket, Qwest has grave concerns over the rates, terms and conditions being proposed by PacifiCorp for attachment to its poles in Utah. Qwest believes that it is being improperly charged by PacifiCorp for pole attachments, audits, penalties and rents. While the specific factual issues currently in dispute between Qwest and PacifiCorp are not at issue in this docket, Qwest believes that the resolution of the many

issues identified by the Commission in its scheduling order may help to resolve some of the ongoing contract and billing disputes between itself and PacifiCorp.

Qwest does not, however, agree that each and every sub-issue identified by the Division and/or Commission, is appropriate in this docket. More specifically, Qwest does not agree that the Division should consider whether to exempt rural electric cooperatives from pole attachment regulations at this stage of the proceeding. To the extent the Commission decides to establish new regulations over the rates, terms and conditions of pole attachments, Qwest believes those regulations should generally be imposed in a uniform and non-discriminatory manner on each entity that attaches its facilities to a pole in Utah. At such an early stage in this docket, Qwest believes that it is simply inappropriate to consider exempting an entity, or class of entities, without a compelling reason to do so.

Finally, in addition to the general issues identified by the Commission in its scheduling order, Qwest believes that it is appropriate to include one additional issue. Namely, Qwest believes this docket is the appropriate forum to address the reimbursement of costs it incurs to relocate or move its current pole attachments if such relocations are necessary in order to conform to the separation standards imposed by the FCC governing the amount of spacing required between attachments. With the proliferation of advanced technologies and the number of competitive carriers in Utah over the past several years, there are now a significant number of poles in Utah where the separation standards between power, cable television and telecommunication attachments have been compromised. In order to comply with these separation rules Qwest may need to relocate or move many of its existing attachments by lowering them on the poles in

order to allow adequate space for attachments by these new competitive carriers. There also appear to be a large number of poles that will need to be replaced with taller and/or stronger poles in order to allow adequate spacing between the various entities and industries that utilize the poles, and in order to allow for the additional weight loads being placed on the poles. Most, if not all, of Qwest's pole attachment relocations and pole replacements will be required because of the more recent attachments of competitive carriers who have compromised the separation standards and weight loads with their attachments. Qwest should not be responsible for the costs associated with these relocations and the replacement of existing poles.

Currently, PacifiCorp is demanding that Qwest relocate its attachments on PacifiCorp poles in order to meet the appropriate architectural separation standards governing pole attachments. PacifiCorp has requested weekly updates from Qwest on this issue. Qwest believes these architectural standards are important and wholly supports resolving this issue with PacifiCorp. However, Qwest does not believe that it is appropriate to proceed with this work until the issues associated with the reimbursement of its costs for this work have been resolved. Qwest believes that those parties who have created the need for the relocations should bear the costs associated with them.

RESPECTFULLY SUBMITTED: April 1, 2004.

Robert C. Brown
Qwest Services Corporation

Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **INITIAL COMMENTS OF QWEST CORPORATION** in Docket No. 04-999-03 was mailed or hand-delivered on this 1st day of April, 2004, to the following:

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