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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of an  
Investigation into Pole  
Attachments

MOTION OF T-MOBILE TO INTERVENE

DOCKET NO. 04-999-03

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Pursuant to UTAH ADMIN. CODE R746-100-7 and UTAH CODE ANN. § 63-46b-9, VoiceStream PCS II Corporation dba T-Mobile (“**T-Mobile**”), through its counsel, hereby moves to intervene in the above captioned matter now pending before the Utah Public Service Commission (“**Commission**”).

**Statement of Facts**

1. T-Mobile holds licenses with the FCC to promulgate and operate a personal communications service (“**PCS**”) in Utah and throughout the country. T-Mobile's PCS includes voice, data and Internet communications.
2. T-Mobile is obligated under its FCC license to, among other things, build out its PCS system to provide uninterrupted wireless telecommunications coverage to the public in its service areas. Emergency service providers rely on T-Mobile PCS to communicate with one another and to respond to public 911 emergency calls.

3. PCS is a cellular system that relies on a network of antenna facilities or antenna sites. The antenna sites transmit and receive low-power radio signals to and from the customer's handset. Antennae must be in the line of sight of handsets for successful communications. The network of antenna sites is interconnected to the local telephone system through a central switch. Accordingly, in order to establish PCS, T-Mobile must construct a number of coordinated antenna sites.

4. To provide continuous coverage, T-Mobile must build an interconnected system of antenna sites so that, as the customer travels, the signal can be "handed off" from one antenna site to the next without an interruption in coverage. Sites where an antenna must be placed are often located in sensitive areas such as residential neighborhoods.

5. Local governments require T-Mobile to complete public hearings and obtain a conditional or special use permit for most antenna sites. T-Mobile encounters stiff opposition from local residents to proposed antenna sites located in residential and other sensitive areas, especially if the proposal is for a standard monopole exceeding heights of 100' or more with a top array of antenna panels.

6. Most local governments are forcing wireless carriers such as T-Mobile to blend their antenna designs into existing infrastructure and landscapes. This generally means several more antenna sites are needed to cover an area that otherwise could be covered by a standard monopole antenna design.

7. Further, in residential areas, there are very few choices for locating on or even near residential properties. Sometimes church properties can accommodate antenna sites, but in Utah, The Church of Jesus Christ of Latter-day Saints refuses to allow any antennae on its properties even though it operates a church in or near most Utah neighborhoods.

8. Utility poles already exist in most Utah residential neighborhoods and sensitive land use areas. T-Mobile has antenna equipment that can attach to utility poles. Utility poles present a viable option for deploying wireless antennas in a manner that will satisfy concerns of local government and residents who are already used to utility pole infrastructure in their neighborhoods and a legitimate solution for improving wireless telecommunications inside thousands of homes in furtherance of public convenience and necessity.

### **Discussion**

T-Mobile must increasingly rely on attaching its PCS antennas to utility poles in order to fulfill its commitment to the FCC to provide uninterrupted wireless telecommunications coverage to the public. As such, T-Mobile's legal rights and interests will be substantially affected by the outcome of the Commission's investigation into pole attachments.

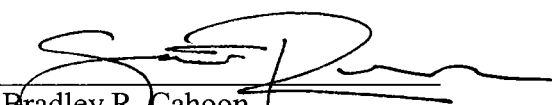
T-Mobile's intervention will not materially impair the interests of justice and the orderly and prompt conduct of the investigation. On the contrary, T-Mobile's addition as a party to this proceeding will give the Commission the perspective of a PCS provider who could be severely impacted by any amendment to the Commission rules regarding pole attachments. Further, T-Mobile can provide the Commission with information and perspective that will enhance the efficiency of the proceeding and possibly help the Commission avoid future disputes about the pole attachment rules.

**Relief Requested**

T-Mobile requests that the Commission enter an order permitting T-Mobile to participate as a party in these proceedings with the full rights and privileges of a party before the Commission.

RESPECTFULLY SUBMITTED this 3rd day of May, 2004

SNELL & WILMER L.L.P.

  
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**CERTIFICATE OF SERVICE**

This is to certify that on this 3<sup>rd</sup> day of May, 2004 the foregoing document was served via first class mail, postage prepaid, upon the following:

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