

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of an Investigation into Pole Attachments)
)
)

DOCKET NO. 04-999-03

NOTICE OF FURTHER AGENCY ACTION AND SCHEDULING

ISSUED: March 19, 2004

By The Commission:

On March 11, 2004, the Division of Public Utilities (Division) submitted a request that the Commission conduct an investigation into issues associated with pole attachments. The Commission has previously asserted jurisdiction to regulate pole attachment terms, as recognized in 47 U.S.C. §244 (c). The Division's March 11th request describes recent activities interested persons have taken concerning pole attachments and suggests that the Commission's investigation include:

Pole attachment regulations:

- consider whether the Commission should adopt a statewide method for calculating pole attachment rates.
- explore the application of a method applicable to all providers and attachers.
- consider whether there should be different treatment of attachments due to physical differences in attachment.
- determine what costs should be recovered in pole attachment rates.
- evaluate the method of developing pole attachment costs, e.g., fully allocated or incremental costs.
- assess the use of the Federal Communications Commission (FCC) approach and formula for pole attachment rates, including usable and unusable space considerations.
- evaluate the rebuttable presumptions contained in the FCC's approach, including the amount of space, pole height, and number of attachers.
- determine whether there should be differences for rural and urban pole
- consider the definition of pole attachment regulation.
- consider exempting rural electric cooperatives from pole attachment regulations.

General Terms and Conditions included in pole attachment contracts

- audit issues, such as burden of costs, who should bear such costs, and access to records.
- examine other fees and charges
- examine unauthorized pole attachment charges

At the suggestion of AT&T Communications, the Division also requests that the Commission consider using the investigation to also consider conduit regulations. The Division requests that the Commission open an investigatory docket to allow interested parties to participate in the process of considering these issues relating to pole attachment regulation, and, if deemed appropriate, conduit regulation and other issues which might be suggested by the parties.

Based upon the Division's request, the Commission has opened this investigative docket and solicits interested parties' participation. Interested parties should file their initial comments, identifying the issues which they believe the Commission should address in this investigation and the reasons why, on or before April 1, 2004. Supporting or opposing reply-comments to the April 1, 2004, submissions shall be filed and served upon participating parties on or before April 16, 2004. The Commission Secretary will hold a scheduling conference April 21, 2004, at 9:00 a.m. in Room 427 on the Fourth Floor of the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah 84111.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations, including auxiliary communication aids and services, during this scheduling conference should notify Julie Orchard, Commission Secretary, at 160 East, 300 South, Room 400, Box 45585, Salt Lake City, Utah 84145-0585, telephone: (801) 530-6713, at least three working days prior to the hearing. Individuals wishing to participate by telephone should call the Commission Secretary, to make necessary arrangements for telephone conference participation, at least three working days prior to the scheduling conference.

DATED at Salt Lake City, Utah, this 19th day of March, 2004.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard, Commission Secretary

GW#37450