

Submitted September 29, 2005 by the Utah Rural Electric Association, 10714 South Jordan Gateway, South Jordan, Utah 84095. Telephone (801) 619-6550

Pursuant to notice of proposed rule DAR File No.: 28139 filed August 15, 2005 regarding Public Service Commission Administration R746-345, Pole Attachments for Cable Television Companies, Docket No. 04-999-03 the Utah Rural Electric Association hereby submits the following comments:

1. Although **R746-345 (B)** limits applicability of the Rules only to a utility that “permits pole attachments,” the proposed Section **(B)(2)** has language that could confuse some would-be attachers: “a public utility must allow any attaching entity nondiscriminatory access to utility poles...” We suggest that Section **(B)(2)** be modified to read: “a public utility which is subject to these Rules must allow any attaching entity nondiscriminatory access to utility poles...”

2. Under **R746-345-2 General Definitions A.**, the definition of “Attaching Entity” should be narrowed. As proposed, it could be read to require access to other electric utilities for electric distribution service. The definition should also be clarified to exempt the pole owner itself, at least to the extent that the pole owner permits access, on a nondiscriminatory basis, to the Pole Attachment. We suggest the following definition:

“Attaching Entity – A cable television company or other provider of telecommunications service, including any wireless provider, that attaches to a pole owned or controlled by a public utility for purpose of providing television or telecommunications service, excluding those attachments used for signage and lighting.
An Attaching Entity does not include the Pole Owner, where either: (i) the Pole Owner does not provide telecommunications services; or (ii) a Pole Attachment is made by the Pole Owner to utility poles of that Pole Owner and access to the Pole Attachment is made available to any attaching entity on a nondiscriminatory basis.”

3. Under **R746-345-2 General Definitions C.**, the definition of “Pole Attachment” should be limited to more closely correspond to the definition in the Federal Pole Attachment Act. We suggest the first sentence read as follows:

“Pole Attachment” – All equipment and the devices used to attach the equipment by a cable television system or provider of telecommunications service which is an Attaching Entity within that attaching entity’s allocated attachment space. . . .(remainder of proposed definition okay).

4. Under **R746-345-2 General Definitions**, we suggest a definition of “Telecommunications Service” be added. We propose the following:

“**Telecommunications service**” – the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Telecommunication service does not include services strictly limited to the leasing, on a non-discriminatory basis, of access to or use of telecommunications equipment to the public utilities and/or providers of telecommunications services.

Sincerely,

UTAH RURAL ELECTRIC ASSOCIATION

Michael Peterson
Executive Director