

Robert C. Brown  
Corporation Counsel  
Qwest Services Corporation  
1801 California St, 10<sup>th</sup> Floor  
Denver, CO 80202  
(303) 383-6642  
(303) 296-3132 fax  
[robert.brown@qwest.com](mailto:robert.brown@qwest.com)

Theresa Atkins  
Corporation Counsel  
Qwest Services Corporation  
1801 California St., 10<sup>th</sup> Floor  
Denver, CO 80202  
(303) 383-6656  
(303) 295-7049  
[Theresa.atkins@qwest.com](mailto:Theresa.atkins@qwest.com)

| *Attorneys for Qwest Corporation*

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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

DOCKET NO. 04-999-03

)  
) Comments of Qwest Corporation on the  
) Public Service Commission's  
) Published Proposed Pole Attachment Rules

-----  
Pursuant to the Public Service Commission's ("Commission") Publication of its Proposed Rules governing Pole Attachments of Public Utility Companies on September 1, 2004,<sup>1</sup> Qwest Corporation ("Qwest") submits the following comments with respect to these draft rules:

1. Generally, Qwest supports the Commission's proposed rules for pole attachments.

As one of the primary pole owners in Utah, Qwest appreciates the Commission's approach and

---

<sup>1</sup> 2004 Utah State Bulletin No. 17, DAR File No. 27348.

its intent to simplify the attachment process while simultaneously minimizing the disagreements between pole owners and attaching entities.

2. In **R746-345-3 A.**, the proposed rule seems to require that a pole owner submit both a tariff, and a standard contract or Statement of Generally Available Terms (SGAT). Qwest already has an SGAT on file that specifies the rates, terms and conditions for pole attachments by Competitive Local Exchange Carriers (“CLECs”) in Utah. Qwest believes that a tariff containing these same, or similar, terms for non-CLEC entities wishing to attach to its poles is unnecessary. Qwest currently has no tariff for electrical utility companies in Utah who wish to attach to its poles, and Qwest has only a simplified tariff for cable companies who attach to its poles. Qwest would prefer to eliminate the requirement that it file a tariff which specifies the rates, terms and conditions for pole attachments. In that regard, Qwest is working with the Division of Public Utilities to establish a standard contract that would be acceptable to the Commission and to all non-CLEC attaching entities. To the extent Qwest is not required to file both a tariff and a standard contract, but can instead simply rely on the use of its SGAT, or the standard contract, Qwest has no further comments about this proposed rule.

3. In **R746-345-3 A. 2. c.**, Qwest believes there is a typographical error in the wording of this rule. Qwest believes that the first use of the word “an” in this rule should be “any” such that the rule would read “any back rent recovery or unauthorized pole attachment fee and **any** applicable procedures for determining . . .”

4. In **R746-345-3 B**, Qwest believes there is a typographical error in the wording of the rule. Qwest believes that the word andor should be changed to “and/or.”

Respectfully submitted this \_\_\_<sup>st</sup> day of September, 2004.

Qwest Corporation

---

Robert C. Brown  
Theresa Atkins  
Attorneys for Qwest

Certificate of Service

I hereby certify that on September \_\_, 2004, I emailed or mailed, postage prepaid, a true and correct copy of Qwest's Comments on the Commission's Published Pole Attachment Rules in Docket No. 04-999-03 to the following:

Michael Ginsberg  
Assistant Attorney General  
160 East 300 South, Fifth Floor  
Salt Lake City, Utah 84111  
[mginsberg@utah.gov](mailto:mginsberg@utah.gov)

Reed Warnick  
Assistant Attorney General  
160 East 300 South, Fifth Floor  
Salt Lake City, Utah 84111  
[rwarnick@utah.gov](mailto:rwarnick@utah.gov)

[bcahoon@swlaw.com](mailto:bcahoon@swlaw.com)

[charles.zdebski@troutmansanders.com](mailto:charles.zdebski@troutmansanders.com)

[dthomas@crblaw.com](mailto:dthomas@crblaw.com)

[gerit.hull@pacificorp.com](mailto:gerit.hull@pacificorp.com)

[gregkopta@dwt.com](mailto:gregkopta@dwt.com)

[harrism@att.com](mailto:harrism@att.com)

[jennifer.chapman@troutmansander.com](mailto:jennifer.chapman@troutmansander.com)

[michael\\_woods@cable.comcast.com](mailto:michael_woods@cable.comcast.com)

[mpeterson@utahcooperatives.org](mailto:mpeterson@utahcooperatives.org)

[oldroydj@ballardspahr.com](mailto:oldroydj@ballardspahr.com)

[raymond.kowalski@troutmansanders.com](mailto:raymond.kowalski@troutmansanders.com)

[charles\\_best@eli.net](mailto:charles_best@eli.net)

[sfmecham@cnmlaw.com](mailto:sfmecham@cnmlaw.com)

---

Robert C. Brown