

March 27, 2006

Ms. Constance White
Director of Division of Public Utilities
160 East 300 South
Salt Lake City, UT 84114-6751

**Re: In the Matter of an Investigation into Pole Attachments
Docket No. 04-999-03**

Dear Ms. White:

The Commission is in receipt of your memorandum filed February 10, 2006, requesting Commission approval of the Utah Pole Attachment Agreement (“Agreement”) as a “safe harbor” for parties unable to agree to pole attachment terms through negotiation. Upon review, the Agreement appears to substantially conform with Commission guidance previously provided to parties in this matter. However, the Commission notes Section 3.09 of the Agreement may conflict with Commission Rule 746-345-3(C)(7) inasmuch as it requires a Licensee to pay the entire expense of make-ready work to the Pole Owner “on demand.” Should a dispute arise regarding Licensee make-ready work payment obligations between parties who have adopted the standard language in Section 3.09, the Commission shall look to the Rule as the controlling text.

Therefore, having received no comment or objection to the Agreement as filed, the Commission acknowledges receipt of the Agreement and provides notice that said Agreement shall remain on file as a “safe harbor” for use by parties unable to agree to terms governing their pole attachment relationship.

If you have further questions or comments, I can be reached by phone at (801) 530-6713 or by email at jorchard@utah.gov.

Cordially,

/s/ Julie Orchard
Commission Secretary

CC: Wes Huntsman
Casey Coleman
William Powell
All Parties of Record