

WILLIAM J. EVANS (5276)
VICKI M. BALDWIN (8532)
PARSONS BEHLE & LATIMER
One Utah Center
201 South Main Street, Suite 1800
Post Office Box 45898
Salt Lake City, UT 84145-0898
Telephone: (801) 532-1234
Facsimile: (801) 536-6111

DAVID J. SHAW
Utah Telecommunication Open Infrastructure
Agency
1385 West 2200 South, #302
West Valley City, Utah 84119
Telephone: (801) 955-3790
Facsimile: (801) 908-7225

Attorneys for UTOPIA

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of an Investigation into Pole
Attachments.

Docket No. 04-999-03

PETITION TO INTERVENE OF UTOPIA

In accordance with Rule 746-100-7 of the Public Service Commission’s Rules of Practice and Procedure and the Provisions of Utah Code Ann. § 63-46b-9, the Utah Telecommunication Open Infrastructure Agency (“UTOPIA”) hereby petitions the Public Service Commission (“Commission”) for leave to intervene in the above-referenced proceeding.

In support of this Petition to Intervene, UTOPIA states as follows:

1. The Division of Public Utilities (“DPU”) moved for the Commission to open a docket to allow the DPU and interested parties to investigate establishing new and revised regulations pertaining to the joint use of properties by utilities and to provide a forum to investigate the general terms and conditions for contracts to be used to execute pole attachment.

2. UTOPIA has a direct, immediate, and substantial interest in this proceeding as a provider of services that require attachment to the poles of public utilities and that interest may be affected by a Commission decision on the pole attachment regulations and general contract terms and conditions.

4. The interest of UTOPIA will not be adequately represented by any other party to this proceeding.

5. If UTOPIA is granted leave to intervene in this proceeding, UTOPIA hereby requests that service of all pleadings, notices, etc. be made to the following:

William J. Evans
Vicki M. Baldwin
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
bevans@pblutah.com
vbaldwin@pblutah.com

David J. Shaw, General Counsel
UTOPIA
1385 West 2200 South, #302
West Valley City, Utah 84119
dshaw@utopianet.org

6. The interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by the grant of UTOPIA’s Petition to Intervene.

7. UTOPIA has not yet determined the level of its participation or the precise nature of the relief it will seek, but requests that the Commission grant UTOPIA intervention as its interests may appear.

WHEREFORE, UTOPIA requests that the Commission enter an Order granting UTOPIA permission to intervene in this docket and to participate to the full extent allowed by the law.

DATED this _____ day of April, 2005.

WILLIAM J. EVANS
VICKI M. BALDWIN
PARSONS BEHLE & LATIMER
DAVID J. SHAW
UTOPIA
Attorneys for UTOPIA

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of April, 2005, I caused to be mailed, first class, postage prepaid, a true and correct copy of the foregoing **PETITION TO INTERVENE OF UTOPIA**, to:

Robert C. Brown, Esq.
Theresa Atkins, Esq.
Qwest Services Corporation
1801 California Street, 49th Floor
Denver, CO 80202
(303) 672-5839
(303) 295-7069 (fax)
robert.brown@qwest.com
theresa.atkins@qwest.com

Gerit F. Hull
Counsel
PACIFICORP
825 NE Multnomah, Suite 1700
Portland, OR 97232

Michael Ginsberg
Assistant Attorney General
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, Utah 84111
mginsberg@utah.gov

Gary G. Sackett
JONES WALDO HOLBROOK &
MCDONOUGH, PC
170 S. Main Street, Suite 1500
Salt Lake City, Utah 84101

Stephen F. Mecham
Callister Nebeker & McCullough
Gateway Tower East Suite 900
10 East South Temple
Salt Lake City, UT 84133
Attorneys for Utah Rural Telecom
Association

Jerold G. Oldroyd, Esq. (#2453)
Angela W. Adams, Esq. (#9081)
Ballard Spahr Andrews & Ingersoll,
LLP
One Utah Center, Suite 600
201 South Main Street
Salt Lake City, Utah 84111-2221

Michael D. Woods, Esq.
Comcast Cable Communications, LLC
183 Inverness Drive West, Suite 200
Englewood, Colorado 80112

Bradley R. Cahoon (5925)
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101

Meredith R. Harris, Esq.
AT&T Corp.
One AT&T Way
Bedminster, New Jersey 07921