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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of an Investigation into Pole Attachments	<p style="text-align: center;"><u>Docket No. 04-999-03</u></p> <p style="text-align: center;">Utah Rural Telecom Association ("URTA") Comments to Proposed Rule R746-345 Pole Attachments of Public Utility Companies Published September 1, 2005</p>
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The URTA makes the following comments on the proposed changes to R746-345 published September 1, 2005:

1. In the latest publication of the proposed rule the title for R746-345 is "Pole Attachments for Cable Television Companies." As the Commission is aware, that is a holdover from the previous rule. An attaching entity is defined more broadly in the proposed rule to include public utilities, wireless providers, and other entities that attach. The title should be changed to "Pole Attachments."

2. URTA recommends the following changes to R746-345-3 A. 2.:

The tariff, standard contract, and SGAT shall also include ~~but not be limited to~~:

- a. a description of the permitting process, the inspection process, the joint audit process, including shared scheduling and costs, and any non-recurring fee or charge applicable thereto;
- b. emergency access provisions;
- c. and any back rent recovery or unauthorized pole attachment fee and any applicable procedures for determining the liability of an attaching entity to pay back rent or any non-recurring fee or charge applicable thereto.

Without changes like these, it is unclear how this part of the section differs from the earlier part of R746-345-3 A. 2. requiring that all fees and charges be set forth in the tariff, SGAT, or standard contract for permitting, pre-construction surveys, inspections, and applicable processing. The proposed changes make clear that it is a description of the processes rather than just the charges that must be included. In addition, leaving the section unlimited leaves the question of what else might be included. If there is something that should be on the list, URTA recommends that it be on the list in the rule rather than leaving it open.

3. URTA recommends that the Pole Owner response to applications for attachments up to 20 poles in R746-345-3 C. 1. be changed from 45 days to 30 days. The response time in R746-345-3 C. 2. should be reduced from 60 to 45 days. A pole owner should be able to complete the analysis of the request and estimates for make-ready work in the shorter periods of time and make quicker completion of the project more likely.

4. R746-345-5 A. retains the concept that a fair way to ensure that the pole attachment rental rate cover recurring costs to the pole owner caused by attachments is to use the portion of the pole owner's costs for pole plant investment that is used jointly as a proxy for incremental costs. Is this method intended to be an example? Are there other ways to achieve the objective of cost recovery for attachments? If not, the rule should be modified to state: "~~A fair and reasonable method that will~~To accomplish this objective, ~~is a pole owner shall~~to use the portion of ~~its~~the pole owner's costs and expenses for the pole plant investment that is jointly used by the attaching entities as a proxy for the incremental costs."

Respectfully submitted this 30th day of September, 2005.

Callister Nebeker & McCullough

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Certificate of Service

I hereby certify that on the 30th day of September, 2005, I emailed a true and correct copy of the foregoing URTA Comments to Proposed Rule R746-345 Pole Attachments of Public Utility Companies Published September 1, 2005 to the following:

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