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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Proposed Rule Regarding Pole Attachments	<u>Docket No. 06-R345-02</u>
In the Matter of an Investigation into Pole Attachments	<u>Docket No. 04-999-03</u>
	Utah Rural Telecom Association's Comments to Proposed Rule R746-345 Pole Attachments Published 7/1/06 (Make-Ready Work)

The Utah Rural Telecom Association (“URTA”) makes the following comments on the proposed changes to R746-345 Pole Attachments published July 1, 2006:

The substantive change in the proposed rule occurs in R746-345-3 C. which states:

Applicants that wish to consider self-building shall inform the pole owner at the time of application that they are considering the self-build option, if available, and they would like a two-alternative make-ready bid. The pole owner and each existing attaching entity are responsible to determine what portion, if any, of the make-ready work their facilities require which may be performed through a self-build option and what conditions, if any, are associated with such self-build option. In the first alternative, the pole owner and attaching entities would be responsible for all necessary make-ready work. For the second alternative, the pole owner and attaching entities will identify what make-ready work they will perform, if any, with an associated cost estimate, and also identify what make-ready work, if any, the owner is agreeable to have performed through a self-build option and the conditions, if any, for such self-build option.

As Pole Owners, URTA members want to protect the integrity and safety of their poles and the proposed change allows them to do that. As Attaching Entities, however, the URTA believes an appropriate self-build option for make-ready work is important to ensure that its members can complete any make-ready work and offer services to their customers on schedule.

In its previous amendment to R746-345, the Public Service Commission basically eliminated the self-build option in the electric attachment area on a pole to accommodate PacifiCorp's safety concerns. URTA opposed that change because its members would have lost control of their own poles on which there were electric attachments, the proposal gave complete discretion to PacifiCorp with respect to make-ready work for electric attachments, and it made the self-build option solely applicable to telecommunications attachments.

In the proposed amendment published July 1, 2006, the Commission has left the determination of when the self-build option is available to the Pole Owner and other Attaching Entities, thus potentially effectively eliminating the self-build option. As stated, this amendment allows URTA members to protect the integrity and safety of their poles, but it also removes an important option for Attaching Entities to enable them to provide service on schedule when PacifiCorp or any other Pole Owner is unable to timely perform required make-ready work.

URTA supported the Commission's original position for the self-build option that permitted Attaching Entities to select from a Pole-Owner-approved list of contractors to perform make-ready work in cases when the Pole Owner was unable to do the work in accordance with the required schedule. Under that option, the work was subject to the inspection and approval of the Pole Owner, which adequately addressed Pole Owners' safety concerns. In the unlikely event that a safety concern were to arise that the affected parties could not resolve, the Pole Owner or any other party could bring the matter to the Commission for resolution.

Conclusion and Recommendation

URTA urges the Commission to reject the proposed amendment to Rule R746-345 and return to its initial position with respect to the self-build option for make-ready work stated

above. That position restores the balance between Pole Owners and Attaching Entities and leaves the Commission with supervisory control over pole attachments.

Respectfully submitted this 1st day of August, 2006.

Callister Nebeker & McCullough

Stephen F. Mecham

Certificate of Mailing

I hereby certify that on the 1st day of August, 2006, I emailed a true and correct copy of the foregoing Utah Rural Telecom Association Comments to Proposed Rule R746-345 Pole Attachments Published 7-1-06 (Make-Ready Work) to the following:

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