

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Approval of the Pole Attachment Agreement between Google Fiber Utah, LLC and Qwest Corporation d/b/a CenturyLink QC)
)
)
)
)
)
)

DOCKET NO. 13-049-14
ORDER APPROVING POLE ATTACHMENT AGREEMENT

ISSUED: August 22, 2013

By The Commission:

This matter is before the Commission on the application of Qwest Corporation d/b/a CenturyLink QC (“CenturyLink” or the “Company”) for approval of a pole attachment agreement (“Agreement”) with Google Fiber Utah, LLC (“Google”). On July 18, 2013, CenturyLink filed its application (“Application”), together with copies of the Agreement. Google signed the Agreement on July 10, 2013, and the Company signed on July 12, 2013.

On July 26, 2013, the Commission issued a notice of filing and comment period in this docket. The notice of comment period ended on August 15, 2013, and no adverse comments were filed.

On August 19, 2013, the Division of Public Utilities (the “Division”) submitted its recommendation to approve the application. “The Division believes that both parties voluntarily negotiated the proposed contract incorporating most of the terms of the standard contract, while modifying the agreement in other places that were agreed upon during good faith negotiations. . . .No other parties filed any comments opposing this . . . [A]greement. Because the contract was negotiated in good faith, both parties agree, and there is no opposition to the petition, the Division recommends approval.” Division Memo at 1-2, filed August 19, 2013.

DOCKET NO. 13-049-14

- 2 -

ORDER

Having reviewed the application and attachments, the Division's recommendation, and there being no opposition filed, the Commission finds approval of the application and the Agreement to be just and reasonable, and in the public interest, and we approve the application and the Agreement.

DATED at Salt Lake City, Utah, this 22nd day of August, 2013.

/s/ Melanie A. Reif
Administrative Law Judge

Approved and confirmed this 22nd day of August, 2013, as the Order Approving Pole Attachment Agreement issued by the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#246456

DOCKET NO. 13-049-14

- 3 -

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of August, 2013, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

Torry R. Somers (torry.r.somers@centurylink.com)
CenturyLink

Milo Medin (googlefibernotices@google.com)
Google Fiber Utah, LLC

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, UT 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant