



State of Utah  
Department of Commerce  
Division of Public Utilities

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--= MEMORANDUM =--

**To:** Public Service Commission

**From:** Division of Public Utilities  
Chris Parker, Director  
Bill Duncan, Telecommunications / Water Manager  
Casey J. Coleman, Utility Technical Consultant

**Date:** May 20, 2015

**Re:** In the Matter of the Approval of the Joint-Use Pole Attachment Agreement between Spanish Fork City and Qwest Corporation d/b/a CenturyLink QC per Docket No. 15-049-07.

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**RECOMMENDATION:**

The Division recommends the Commission approve the pole attachment agreement between Spanish Fork City and Qwest Corporation.

**BACKGROUND:**

On January 29, 2015 Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) filed a petition with the Commission requesting approval of a pole attachment agreement between Century Link and Spanish Fork City (“Spanish Fork”). Because this Agreement is a joint-use Agreement between Century Link and Spanish Fork, the details of the agreement will be slightly different than the “Safe Harbor” agreement previously used by CenturyLink.

The Division reviewed the agreement filed with the Commission and recommends the approval of the contract. 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.

As outlined in Utah Administrative Code R746-345-3 the Agreement specifies the rates, terms, and conditions for any pole attachment. Details in the Agreement, give 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 to emergency access provisions and any back rent.

Additionally, since this Docket was opened by the Commission, no other parties have filed any comments opposing this Pole Attachment agreement. Because the contract was negotiated in good faith, both parties agree, and there is no opposition to the petition, the Division recommends approval.

cc: Justin Jetter, Assistant Attorney General  
Torry R. Somers, CenturyLink  
James Farr, CenturyLink