



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
Joni Zenger, Utility Technical Consultant

Date: December 22, 2015

Re: In the Matter of the Approval of the Pole Attachment Agreement between TDS Baja Broadband LLC in Utah and Qwest Corporation d/b/a CenturyLink QC per Docket No. 15-049-14.

RECOMMENDATION:

The Division recommends the Commission approve the pole attachment agreement between TDS Baja Broadband LLC in Utah and Qwest Corporation.

BACKGROUND:

On December 10, 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 TDS Baja Broadband LLC in Utah (“Baja”). Because this Agreement is a joint-use Agreement between Century Link and Baja, 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