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State of Utah  
Department of Commerce  
Division of Public Utilities

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*Director, Division of Public Utilities*

--= 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:** August 14, 2017

**Re:** In the Matter of the Approval of the Pole Attachment Agreement between Qwest Corporation d/b/a CenturyLink and Crown Castle NG West, LLC, per Docket No. 17-049-12.

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**RECOMMENDATION:**

The Division recommends the Commission approve the pole attachment agreement between Crown Castle NG West, LLC and Qwest Corporation.

**BACKGROUND:**

On August 10, 2017 Qwest Corporation d/b/a CenturyLink (“CenturyLink”) filed a petition with the Commission requesting approval of a pole attachment agreement between Century Link and Crown Castle NG West, LLC (“Crown Castle”). Because this Agreement is the first small cell wireless pole attachment agreement in Utah that CenturyLink has entered into with any party the details of the agreement will be slightly different than the “Safe Harbor” template 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.

As stated before, because this is the first small cell wireless pole attachment agreement in Utah that CenturyLink has entered into with any party, some terms and conditions are different than other agreements previously filed with the Commission. Specifically, in this agreement the parties agreed to an unauthorized attachment fee of \$500 per pole.

CenturyLink stated

“[B]ecause it is allowing powered equipment in a cabinet on its pole, it is much more critical that an application be submitted so that CenturyLink can verify the load on the pole and ensure that the location of the cabinet will not impair the safety of utility personnel working on the pole. If powered equipment in a cabinet is placed without an application, CenturyLink will be denied opportunity to evaluate placement, prior to installation.

Even though the \$500 fee is higher than the previously approved fee of \$100 the Division agrees with CenturyLink that an unauthorized attachment in this situation could impair the safety of utility personnel. Because the application process will provide another check to the safety of the attachments, the Division supports a higher unauthorized attachment fee as a direct incentive for parties to file the applications for attachments.

The Division has reviewed the other modifications presented by CenturyLink in Exhibit B and believe the changes to be just and reasonable for the pole attachment agreement.

Finally, 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  
Jason Sears, District Manager – Rockies, Crown Castle  
Doug Peterson, Manager – Network Operations, Crown Castle