

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Approval of the Small Cell Wireless Pole Attachment Agreement between Crown Castle NG West, LLC and Qwest Corporation d/b/a CenturyLink

DOCKET NO. 17-049-12

ORDER

ISSUED: September 13, 2017

On August 10, 2017, Qwest Corporation d/b/a CenturyLink filed with the Public Service Commission of Utah (PSC) a request for approval of a pole attachment agreement with Crown Castle NG West, LLC.

On August 14, 2017, the PSC issued a notice inviting interested persons to file comments no later than Monday, September 11, 2017.

Also on August 14, 2017, the Division of Public Utilities (Division) filed a memorandum recommending that the pole attachment agreement be approved. In recommending approval, the Division noted that the agreement differs in certain respects from pole attachment agreements that have generally been submitted to the PSC in the past. However, the Division stated that, in developing the agreement:

[B]oth 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.

The Division also noted that the agreement complies with Utah Administrative Code R746-345-3, which requires any pole attachment agreement to specify applicable rates, terms, and conditions, and that the agreement appropriately describes the permitting process, the inspection process, the joint audit process, and the emergency access provisions.

No other comments have been filed in this docket.

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ORDER

Having reviewed the application and the Division's recommendation, and noting that the application is unopposed, the PSC approves the proposed pole attachment agreement as just, reasonable, and in the public interest.

DATED at Salt Lake City, Utah, September 13, 2017.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed September 13, 2017 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#296621

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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 PSC 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 PSC 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 PSC'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 CERTIFY that on September 13, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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