



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: November 20, 2017

Re: In the Matter of the Approval of the Pole Attachment Agreement between Qwest Corporation d/b/a CenturyLink and Mobilitie, LLC, per Docket No. 17-049-15.

RECOMMENDATION:

The Division recommends the Commission approve the pole attachment agreement between Mobilitie, LLC and Qwest Corporation.

BACKGROUND:

On November 16, 2017 Qwest Corporation d/b/a CenturyLink (“CenturyLink”) filed an amended Motion to the petition filed November 3, 2017 with the Commission requesting approval of a pole attachment agreement between Century Link and Mobilitie, LLC (“Mobilitie”). This agreement is similar to the small cell wireless pole attachment agreement that has been filed by CenturyLink and approved by the Commission in similar Dockets.

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 original small cell wireless pole attachment, 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.

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
Matthew Tuchman, Mobilitie, LLC