

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Motion for Approval of the Small Cell Wireless Pole Attachment Agreement between Mobilitie, LLC and Qwest Corporation d/b/a CenturyLink	<u>DOCKET NO. 17-049-15</u> <u>ORDER</u>
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ISSUED: December 7, 2017

On November 3, 2017, Qwest Corporation d/b/a CenturyLink (“Qwest”) filed with the Public Service Commission (“PSC”) a request for approval (“Application”) of a small cell wireless pole attachment agreement (“Agreement”) with Mobilitie, LLC in accordance with Utah Admin. Code R746-345-3. The Application references Docket No. 17-049-12, and notes the PSC approved a similar small cell wireless pole attachment agreement in that docket.¹ The Application enumerates the differences between the proposed Agreement in this docket and the previously approved agreement in Docket No. 17-049-12.

On November 7, 2017, the PSC issued a notice inviting interested persons to file comments no later than December 5, 2017.

On November 20, 2017, the Division of Public Utilities (“DPU”) filed a memorandum recommending approval of the Agreement. In recommending approval, the DPU notes the Agreement is similar to the small cell wireless pole attachment agreement (referenced above) previously filed by Qwest and approved by the PSC. The DPU states that in developing the Agreement:

¹ Application at 2 (“On September 13, 2017, the Commission approved a small cell wireless pole attachment agreement between CenturyLink and Crown Castle in Docket No. 17-049-12.”); *see also Approval of the Small Cell Wireless Pole Attachment Agreement between Crown Castle NG West, LLC and Qwest Corporation d/b/a CenturyLink* (Order issued September 13, 2017), Docket No. 17-049-12.

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[B]oth 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.

The DPU 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, the emergency access provisions, and back rent provisions.

No other comments were filed in this docket.

ORDER

Having reviewed the Application, the Agreement, the DPU's recommendation, and noting the Application is unopposed, the PSC approves Qwest's proposed small cell wireless pole attachment Agreement as just, reasonable, and in the public interest.

DATED at Salt Lake City, Utah, December 7, 2017.

/s/ Michael J. Hammer
Presiding Officer

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Approved and Confirmed December 7, 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
PSC Secretary
DW#298349

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 December 7, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

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