

Jill M Valenstein

From: Kowalski, Raymond A. [raymond.kowalski@troutmansanders.com]
Sent: Thursday, March 31, 2005 2:21 PM
To: Krystal Fishlock; theresa.atkins@qwest.com; Jill M Valenstein
Cc: corey.fitz_gerald@pacificorp.com; Hull, Gerit
Subject: Customer Service Drops

Krystal et al.,

I have confirmed that PacifiCorp did agree that most service drops could be reported quarterly. There is a concern, however, about two instances: one, where the service drop would be the Licensee's first attachment on the pole, and two, where the service drop would be outside of the space already used by another attachment of that Licensee. In each case, it must be true that there is a vacant space on the pole that the Licensee wants to use for a customer service drop. The problem is that, unbeknownst to the Licensee, the pole owner may have received an application from another Licensee to use that very same vacant space. So unless there is a prior application process applicable in these limited, special cases, a permit to use that space may be granted in error by the pole owner to another licensee; or another licensee's build-out pursuant to a permit that was correct when it was granted, could be impacted by a surprise service-drop attachment that is made in the space that has been permitted. For this reason, PacifiCorp would like the text modified to take into account these circumstances.

We have revised the text, below, to take care of this. While we were at it, we made other edits that seem to make sense as well, with our reasons explained in [brackets].

~~Ray

~~Licensee shall have the right to install service drops without prior approval of Pole Owner.~~ [Reason: already stated in Section 3.01.] Notwithstanding the provisions of Section 3.01 of this Agreement, ~~the foregoing~~, in the event Licensee seeks to install a service drop that ~~is the~~ would be its first Attachment on a pole or ~~is~~ would be placed outside the space used by another Attachment of Licensee, the Licensee's Attachment Space, as defined in UAR 746-345-2.D., [Reason: since the Commission has given us a definition of the space we are talking about, we might as well use it.] Licensee shall submit an application for prior approval, together with applicable fees. Notification of ~~such Attachments~~ of the installation of other customer service drops may be made on a quarterly basis for rental assessment purposes. ~~Except for filing applications and payment of applicable fees,~~ [Reason: already covered.] Licensee must follow all procedures applicable to Attachments generally. Notwithstanding the above, no notification shall be required for service drops that are self-supporting wire or wires that do not require the use of messenger strand and a lashed cable. Required notifications of service drop installations shall contain information identifying the pole to which the service drop was added.