

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN)
POWER’S APPLICATION FOR APPROVAL)
OF THE NON-EXCLUSIVE LIGHT POLE)
ATTACHMENT LEASE AGREEMENT)
WITH CINGULAR WIRELESS)
_____)

CASE NO. PAC-E-21-04
ORDER NO. 35071

On February 22, 2021, PacifiCorp dba Rocky Mountain Power (“Company”) applied to the Commission for an order approving a Lease Agreement (“Lease”) between the Company and New Cingular Wireless PSC, LLC (“Cingular”). The Company submitted its Application under *Idaho Code* §§ 61-328 and 61-332, et. seq. The Company requested its Application be processed under Modified Procedure.

On March 25, 2021, the Commission issued a Notice of Application, Notice of Modified Procedure, and Notice of Telephonic Hearing. Order No. 34972. The Commission held a telephonic hearing on April 26, 2021, but no one testified. Staff filed comments supporting the Application. No other comments were received. The Company did not file a reply.

Having reviewed the record, the Commission now issues this Order approving the Company’s Application as discussed below.

APPLICATION

The Lease allows Cingular to attach small cell wireless facilities to the Company’s streetlight poles. The Lease has a term of ten years with automatic one-year renewals until either party terminates it. Cingular will submit applications to use individual streetlight poles to the Company. The Company will grant or deny those applications.

Non-metered service may be provided to Cingular under the Company’s Electric Service Regulation No. 4. Alternatively, the Company may provide metered service.

STAFF COMMENTS

Staff filed the only comments and recommended that the Commission approve the Company’s Application. Staff determined that the Application complied with the Idaho electric utility asset transfer statute, *Idaho Code* § 61-328. Staff noted that the Lease will help eliminate duplicative poles in locations where a single pole, owned by the Company, can serve multiple uses. Staff reported that Cingular will pay for specifically designed light poles to replace the Company’s

existing poles at locations selected to locate its equipment. Staff believed this would extend the life of some of the Company's streetlight poles, providing additional value to the Company and customers.

Staff verified that the Lease will not cause costs to be borne by the Company's customers. Staff noted the Lease contains provisions requiring Cingular to pay certain fees, including for the Company to process individual applications for pole placement, cost of installation and inspection of new poles, and annual lease fees.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under Title 61 of the *Idaho Code*. *Idaho Code* § 61-501 gives the Commission the power to "supervise and regulate public utilities in the state." Additionally, the Company is an electrical corporation under *Idaho Code* § 61-119 and a public utility under *Idaho Code* § 61-129.

Idaho Code § 61-328 prohibits an electric public utility or electrical corporation owning or operating any property in Idaho from leasing that property without an order from the Commission. After reviewing the record, including the Company's Application and the Lease, we find the Application complies with the requirements of *Idaho Code* § 61-328(3). Accordingly, we approve the Company's Application.

ORDER

IT IS HEREBY ORDERED the Company's Application and the Lease between the Company and New Cingular Wireless is approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 14th day of June 2021.



PAUL KJELLANDER, PRESIDENT

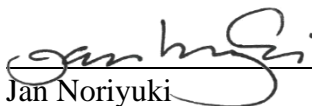


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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