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Attorney for the Commission Staff

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN	)	
POWER'S APPLICATION FOR APPROVAL	)	CASE NO. PAC-E-21-04
OF THE NON-EXCLUSIVE LIGHT POLE	)	
ATTACHMENT LEASE AGREEMENT WITH	)	
CINGULAR WIRELESS	)	COMMENTS OF THE
	)	COMMISSION STAFF
	)	
	)	

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**STAFF OF** the Idaho Public Utilities Commission, by and through its Attorney of record, Dayn Hardie, Deputy Attorney General, submits the following comments.

### BACKGROUND

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 Lease allows Cingular to place wireless facilities on the Company's street light poles. The Lease is for a ten-year term with automatic one-year renewals until either party terminates it. Cingular will submit applications to use individual light poles to the Company. The Company will grant or deny those applications following its review.

Non-metered service may be provided to Cingular under the Company's Electric Service Regulation No. 4, which still allows recovery of the energy costs based on estimated usage. Alternatively, the Company may require a metered service.

## **STAFF REVIEW**

Staff recommends the Commission approve the proposed Lease between the Company and Cingular. This Lease is like the lease agreement between Extenet Systems, Inc. and the Company approved in Order No. 34734.<sup>1</sup>

After investigation of the Application, Staff believes the Lease complies with the requirements of *Idaho Code* §§ 61-328. This statute requires the Commission find that: (1) the transaction is in the public interest; (2) the costs and rates for supplying service will not increase due to the transaction; and (3) the applicant has a genuine intent and financial ability to operate the property.

### **Transaction is in the Public Interest**

The Lease serves the public interest by eliminating the need to place duplicative light poles in locations where a single pole can be used to serve multiple uses. Additionally, for each pole attachment allowed, Cingular will pay for a specifically designed light pole to replace the existing pole. Response to Production Request No. 9. The Company, through these transactions, will be installing a new light pole with a useful life likely greater than the existing light pole being replaced, providing additional value to the Company's customers and the public.

### **Cost and Rates Will Not Increase**

Staff verified that the Lease should generate sufficient revenue to offset any incremental cost to the Company. Therefore, customers should not see their rates increase from these transactions. Fees included in the Lease cover: (1) the cost of processing applications for placement of a new pole; (2) the installation and capital cost of the new pole; (3) the cost of inspection for each installation; (4) annual cost of site specific permits; (5) the cost for the removal of a pole when the pole is no longer needed; (6) the cost of any associated liability; and (7) the cost of Lease transfers, if Cingular relinquishes its Lease to another entity.

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<sup>1</sup> PAC-E-20-05 Rocky Mountain Power's Application for Approval of a Lease Agreement with Extenet Systems Inc

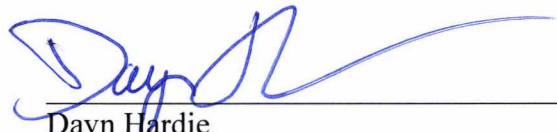
### **Intent and Financial Ability of Applicant**

The Company will preserve its ownership of any new light pole, while only affording a location for placement of the Cingular's wireless equipment. Therefore, the Company would still serve its electric customers; retaining the intent and financial ability of the Company to operate the electric distribution property in the Lease.

### **STAFF RECOMMENDATION**

Staff recommends the Commission approve the Company's application seeking approval of the Master Lease Agreement with Cingular for non-exclusive light pole attachments.

Respectfully submitted this <sup>28<sup>th</sup></sup> day of April 2021.



Dayn Hardie  
Deputy Attorney General

Technical Staff: Rick Keller  
Kathy Stockton  
Rachelle Farnsworth

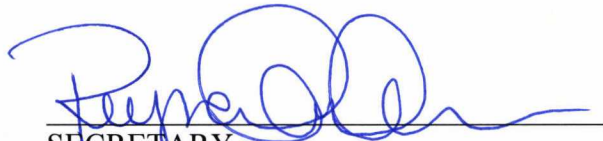
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 28<sup>th</sup> DAY OF APRIL 2021, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. PAC-E-21-04, BY E-MAILING A COPY THEREOF, TO THE FOLLOWING:

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SECRETARY

CERTIFICATE OF SERVICE