

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: WELDON STUTZMAN

DATE: FEBRUARY 5, 2003

SUBJECT: CASE NO. GNR-E-01-2
STIPULATION FOR DISMISSAL OF CASE TO DETERMINE POLE
ATTACHMENT RATE FOR CABLE ONE AND IDAHO POWER

This case was initiated when Cable One, Inc. filed a Petition on October 30, 2001, requesting the Commission establish a pole attachment rate for Cable One and Idaho Power Company. The Petition was filed pursuant to *Idaho Code* § 61-538, which authorizes the Commission to establish rates for providing space on a utility company's poles "whenever a public utility and cable television company are unable to agree upon the rates." The Companies participated in a workshop sponsored by the Commission, and thereafter were able to resolve the pole attachment rate by agreement. Accordingly, on February 3, 2003, Cable One and Idaho Power filed a Stipulation for dismissal, also signed by Staff, stating that the Petition could be withdrawn and the case dismissed by the Commission.

Because the Commission's authority in Section 61-538 is to resolve a pole attachment rate dispute, and there now being no disagreement between Cable One and Idaho Power, it is appropriate for the Commission to allow the withdrawal of the Petition and dismiss the case.

Staff recommends the Commission issue an Order authorizing the withdrawal of the Petition and closing the case.

COMMISSION DECISION

Should the Commission issue an Order authorizing the withdrawal of the Petition and closing the case?



Weldon Stutzman