

Almega Cable

OREGON TRAIL ELECTRIC
CONSUMERS COOPERATIVE, INC.
Petitioner,

V.

BEFORE THE PUBLIC UTILITY
COMMISSION OF OREGON

ALMEGA CABLE;

RESPONDENT.

UM 1272

PETITION FOR REMEDY OF POLE
ATTACHMENT VIOLATIONS, PAYMENT
OF SANCTIONS AND RENTAL FEES,
AND REMOVAL OF POLE
ATTACHMENTS

RESPONSE

RESPONDENT, ALMEGA CABLE, by way of answer to PETITIONER'S Complaint,
states:

1 (FIRST)RESPONSE

TRUE AS PER OUR RECORD

2 (SECOND RESPONSE)

TRUE.

3 (THIRD RESPONSE)

TRUE AS PER OUR RECORD

4 (FOURTH RESPONSE)

TRUE AS PER OUR RECORD

5 (FIFTH RESPONSE)

TRUE AS PER OUR RECORD

6 (SIXTH RESPONSE)

TRUE AS PER OUR RECORD

7 (SEVEN RESPONSE)

AT PRESENT, ALMEGA OWE OTEC THE POLE RENTAL FOR THE CURRENT YEAR. ALMEGA DISCUSSED THE POSSIBILITY OF ENTERING A PAYMENT PLAN WITH OTEC, AND WILL START THE PAYMENT IN DECEMBER 1, 2006 (\$2000 PER MONTH) UNTIL THE PAYMENT DUE BROUGHT TO A ZERO BALANCE. OREGON TRAIL ELECTRIC INVOICE DATED JANUARY 31, 2006 SHOWS THAT A TOTAL OF \$7637.20 OWE BY ALMEGA TO OTEC.

ALMEGA PLEA TO REMOVES ANY INTEREST FOR POLE RENTALS SINCE OTEC WAS FORWARDING THE RELATED INVOICES TO AN ADDRESS THAT WAS AN ALMEGA LOCATION TEMPORARILY AT THE TIME OF ITS START (1385 Hwy 35, Suite 500, Middletown, NJ 07748)(SEE THE COPY OF THE INVOICE GIVEN TO US BY OTEC - APPENDIX A 1 AND 2) EVENTHOUGH OTEC CORRESPONDED WITH ALMEGA FOR ALL OTHER COMMUNICATIONS TO ALMEGA OFFICIAL ADDRESS (4001 WEST AIRPORT FREEWAY, SUITE 530, BEDFORD, TX 76021) FOR ALL OTHER MATTERS.

8 - 19(EIGHTH - NINTEETH RESPONSE)

AS PER THE RECORD SEND BY MR. KEN KISSELL FROM OTEC, TOTAL OF 52 VIOLATIONS WERE LISTED, OUT OF 52 VIOLATIONS:

- ALMEGA MADE CHANGES AND CORRECTED 35 OF THESE VIOLATIONS AS OF RECORD FORWARDED BY OTEC (SEE APPENDIX B)AND APPROVED BY OTEC AND CONFIRMED THAT THE CHANGES ARE ACCEPTABLE
- 17 OF THEM REMAINING AS OPEN AS OF November 20, 2006
- OUT OF 17, TICKET # (468463)IS A NEW VIOLATION AND ALMEGA INFORMED OTEC THAT THEY WILL BE SENDING A CONTRACTOR AND THE VIOLATIONS WILL BE CORRECTED PRIOR TO DECEMBER 15, 2006.
- OUT OF 17, ALMEGA ASSESSED THAT 16 OF THOSE ARE FROM TOWN OF IMLER, AND ALMEGA WILL BE MAKING NECESSARY ARRANGEMENTS TO REMOVE THE ATTACHMENTS AND OR WORK WITH OTEC TO TRANSFER THE OWNERSHIP TO THE TOWN OF IMBLER, IF THEY ARE WILLING TO TAKE THE OWNERSHIP OF THE FRANCHISE AND POLE VIOLATIONS.
- ALMEGA INFORMED THE TOWN MAYOR AND WILL BE INFORMING CUSTOMERS ALMEGA'S INTENTIONS TO STOP OPERATING THE FRANCHISE CABLE TV STARTING JANUARY 1, 2007 (SEE APPENDIX

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C - LETTER TO THE MAYOR, APPENDIX D - LETTER THAT WILL GO OUT TO CUSTOMERS).

- ALMEGA INFORMS OTEC ITS INTENTIONS TO STOP THE OPERATIONS AND MAKE PROPER ARRANGEMENTS TO REMOVE THE ATTACHMENTS FROM ITS POLE IN THE IMBLER AREA. (APPENDIX E)*
- IT IS UNFORTUNATE THAT A SMALL TOWN LIKE IMBLER LOSING ITS FRANCHSIE FOR CABLE TV, AND ALMEGA HOPE THAT AN ARRANGEMENT WILL BE REACHED WITH THE TOWN OF IMBLER TO OWN THE SYSTEMS, AS LONG AS THE TOWN OR THE NEW OWNER MAKE ARRANGEMNTS WITH OTEC AND PUC TO CORRECT THE POLE VIOLATIONS.*
- ALMEGA REQUEST PUC AND OTEC TO FIND A FAVORABLE VIEW POINT SUCH REQUEST ON BEHALF OF TOWN TO POSSIBLY SAVE THE FRANCHSIE AND CONTINUE TO SERVE THOSE UNFORTUNATE CUSTOMERS WHO STAYED WITH ALMEGA THESE YEARS DUE TO LACK OF THEIR CREDIT OR LOW INCOME THAT PROHIBITED THEM SWITCHING TO A SATELLITE SERVICE OR DISH SERVICE.*

20 (TWENTY RESPONSE)

- ALMEGA TOOK OVER BAKER AREA SYSTEM MANAGEMENT IN SEPTEMBER OF 2004, AS WITNESSED BY OTEC, ALMEGA MADE EFFORTS TO CORRECT ALL OUTSTANDING VIOLATIONS IN SEPTEMBER 2005. ALMEGA WORKED WITH OTEC INSPECTORS TO ADDRESS VIOLATIONS DILLIGENTLY WITNESSED BY THE OTEC INSPECTORS*
- WE HAVE INFORMED OTEC THROUGH THE EMAIL SYSTEMS, IN WRITING, AND BY CALLS, THAT CONSIDERING ALMEGA HAVE NO TECHNCIAINS IN THE AREA, WE WILL MAKE ARRANGEMENTS TO CORRECT VIOLATIONS IN ONE VISIT RATHER THAN SCATTERED OR PHASED CORRECTIONS. SEE APPENDIX F SAMPLE OF SOME OF THE CORRESPONDENCE.*
- EVENTHOUGH WE HAVE INFORMED THE RESPECTED PARTIES, SANCTIONS KEEP GOING REGARDLESS OF OUR REQUEST THAT WE WILL ADDRESS THESE VIOLATIONS TOGETHER.*
- HENCE, ALMEGA WOULD LIKE TO PLEAE TO REMOVE ANY ASSESSED SANTIONS, FIRST WE COMMUNICATED TO OTEC OUR INTENTIONS AND WE MADE ALL BEST EFFORT TO ADDRESS THEM AND WE ARE A LIMITED RESOURCE COMPANY TO COME UP WITH SUCH LARGE SNACTION FUNDS.*

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Prepared by: Thomas Kurien

SUMMARY OF RESPONSES

- A. POLE RENTALS WILL BE MADE AS PER THE ARRANGEMENTS.
- B. ALMEGA CURRENTLY HAVE 17 OPEN AND OUTSTANDING VIOLATIONS, WE ARE PLANNING TO ADDRESS THE NEW VIOLATIONS FROM SUMPTER AREA BEFORE DECEMBER 15, 2006.
- C. OUT OF 17 OUTSTANDING VIOLATIONS, 16 OF THEM ARE FROM IMBLER AREA, AND WE WORKED WITH OTEC TO ADDRESS THESE VIOLATIONS. HOWEVER, DUE TO LIMITED RESOURCE AND FUNDS, ALMEGA UNABLE TO GET A CLOSURE IN REASONABLE TIMEFRAME, HENCE ALMEGA DECIDED TO REMOVE THE ATTACHMENTS AND ITS FRANCHISE OPERATIONS IN IMBLER AREA. ARRANEGMENTS WILL BE MADE WITH EXACT DATE AND PROCEDURES TO REMOVE THE ATTACHMENTS.
- D. ALMEGA MADE ITS INTENTIONS CLEAR TO OTEC THROUGH VARIOUS MEANS. REGARDLESS OF ALMEGAS' REQUESTS, SANCTIONS WERE MADE IN AN UNREASONABLE MANNER AND ALMEGA PLEA THAT IT IS UNFAIR AND TO BE PARDONED.

Thomas Kurien

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CERTIFICATE OF SERVICE

I CERTIFY THAT ON NOVEMBER 20, 2006 I SERVED THE FOREGOING RESPONSES FOR THE COMPLAINT DATED JULY 13, 2006 DOCKET UM 1272 UPON ALL PARTIES OF RECORD IN THIS PROCEEDING BY DELIVERING A COPY BY ELECTRONIC MAIL AND MAILING A COPY BY POSTAGE PREPAID FIRST CLASS.

Thomas Kurien

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2. OREGON TRAIL ELECTRIC COOPERATIVE, KEN KISSELL, PO BOX 226, BAKER CITY, OR 97814, KKISSELL@OTECC.COM
3. PUBLIC UTILITY COMMISSION, GARY PUTNAM PO BOX 2148, SALEM, OR 97308-2148, GARY.PUTNAM@STATE.OR.US
4. PUBLIC UTILITY COMMISSION, JASON W JONES, DEPARTMENT OF JUSTICE, REGULATED UTILITY AND BUISNESS SECTION, 1162 COURT STREET, OR 97301-4096 JASON.W.JONES@STATE.OR.US

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