

October 30, 2008

***VIA E-MAIL & UPS OVERNIGHT***

Filing Center  
Oregon Public Utility Commission  
550 Capitol Street NE #215  
PO Box 2148  
Salem, OR 97308-2148

**Re: *Docket UM 1272***  
***Oregon Trail Electric Consumers Cooperative, Inc. v. Almega Cable***

Dear Clerk:

Enclosed for filing is Oregon Trail Electric Consumers Cooperative, Inc.'s Status Report dated October 30, 2008 regarding the above-referenced matter. The original, plus five copies, are being sent via overnight delivery today.

Please contact me with any questions. Thank you.

Sincerely,

  
Ethan Falatko

Enclosure

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 **UM 1272**

4 OREGON TRAIL ELECTRIC CONSUMERS  
5 COOPERATIVE, INC.,

6 Petitioner,

7 v.

8 ALMEGA CABLE,

9 Respondent.

**STATUS REPORT**

10  
11 Oregon Trail Electric Consumers Cooperative, Inc. ("Oregon Trail") respectfully files  
12 this Status Report with the Public Utility Commission of Oregon ("Commission") pursuant to  
13 the Administrative Law Judge ("ALJ") Ruling dated October 20, 2008.

14 **I. BACKGROUND**

15 On July 14, 2006, Oregon Trail submitted its Petition for Remedy of Pole Attachment  
16 Violations, Payment of Sanctions and Rental Fees, and Removal of Pole Attachments  
17 ("Petition"). The Petition arose out of a dispute between Oregon Trail and Almega Cable  
18 ("Almega") regarding Almega's pole attachments on Oregon Trail's poles and pole rental fees  
19 owed to Oregon Trail by Almega. On August 1, 2006, Oregon Trail filed a Motion to Amend  
20 Petition ("Motion to Amend") to correct and update information contained in the Petition. The  
21 Motion to Amend was granted on August 23, 2006.

22 On November 7, 2006, the parties participated in a telephone pre-hearing conference to  
23 set the schedule for the docket. On November 8, 2006, ALJ Christina Hayes issued a ruling  
24 setting the schedule for the docket. Almega filed its answer ("Answer") with the Commission on  
25 November 22, 2006 and served Oregon Trail with a complete version of the Answer on  
26 November 27, 2006.

1 On December 1, 2006, Oregon Trail submitted a Motion to Stay Proceedings (“Motion to  
2 Stay”) to the Commission. In the Motion to Stay, Oregon Trail stated that after the pre-hearing  
3 conference, the parties were in contact to discuss a potential settlement of their dispute. Oregon  
4 Trail requested that the Commission grant its Motion to Stay to provide the parties with time to  
5 finalized their settlement discussions. ALJ Hayes granted the Motion to Stay on December 5,  
6 2006.

7 The parties continued settlement discussions and came to a Letter Agreement on  
8 approximately January 8, 2007. The Letter Agreement required Almega to (1) pay monthly  
9 payments totaling \$17,274.40 as payment for back rents and sanctions; and (2) remedy its 16  
10 remaining violations on Oregon Trail poles or to remove the attachments by June 3, 2007.  
11 Oregon Trail agreed that it would move to dismiss its Petition within 30 days’ notice of  
12 Almega’s fulfillment of its obligations under the Agreement and Oregon Trail’s confirmation of  
13 the fulfillment.

14 On October 20, 2008, the Commission issued a Ruling in this matter requesting the  
15 parties to file a joint status report. Counsel for Oregon Trail has attempted to reach  
16 representatives of Almega for purposes of filing such a report. To date, all attempts by counsel  
17 for Oregon Trail (i.e., via email to Mr. Thomas Kurian and direct telephone contact with Almega  
18 offices) have proved unsuccessful. Oregon Trail is filing this report in order to meet the  
19 requirements set forth in the Commission’s Ruling dated October 20, 2008.

## 20 II. REPORT

21 To date, Almega has remedied all of the pole attachment violations, but has not paid all of  
22 its past monies due Oregon Trail. Consequently, there are a few outstanding issues that still need  
23 to be addressed by the parties. Oregon Trail respectfully requests that the Commission allow the  
24 parties until December 31, 2008 to resolve these remaining issues and file an appropriate status  
25 report on or before January 30, 2009.  
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### III. SUMMARY & CONCLUSION

Oregon Trail is pleased to report that the parties to UM 1272 have resolved a majority of the issues involved in their dispute and look forward to a timely and amicable resolution of the remaining issues. If, however, Almega fails to remedy the outstanding issues by December 31, 2008, Oregon Trail will move to enforce its rights under the Commission's regulations, on or before January 30, 2009.

Respectfully submitted this 30<sup>th</sup> day of October, 2008.

ATER WYNNE LLP

By: 

Kirk Gibson, OSB #85122

Ethan Falatko OSB #08532

Ater Wynne LLP

222 SW Columbia, Suite 1800

Portland, OR 97201

Telephone: (503) 226-8607

FAX: (503) 226-0079

E-mail: [khg@aterwynne.com](mailto:khg@aterwynne.com)

E-mail: [ef@aterwynne.com](mailto:ef@aterwynne.com)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **OREGON TRAIL ELECTRIC CONSUMERS COOPERATIVE, INC.'S STATUS REPORT** regarding **Docket UM 1272** was served via electronic filing and first class mail on the following parties:

Jason W. Jones, Asst. Attorney General  
Department of Justice  
Regulated Utility & Business Section  
1162 Court Street NE  
Salem, OR 97301-4096

Jim Putnam, Manager of Operations  
Oregon Trail Electric Consumers Cooperative  
PO Box 226  
Baker City, OR 97814

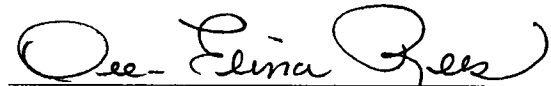
Tim Hunt, Staking & Regulatory Compliance Manager  
Oregon Trail Electric Consumers Cooperative  
PO Box 226  
Baker City, OR 97814

Gary Putnam  
Public Utility Commission  
PO Box 2148  
Salem, OR 97308-2148

Thomas Kurien  
Techcore Consultants – Almega Division  
4001 West Airport Freeway, Suite 530  
Bedford, TX 76021

Dated: October 30, 2008.

ATER WYNNE LLP



Dee-Elina Rees, Legal Assistant