

August 1, 2006

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

Public Utility Commission of Oregon  
Attn: Filing Center  
550 Capitol Street NE #215  
Salem, OR 97308-2148

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

Dear Ms. Hulse:

Attached for filing is Oregon Trail Electric Consumers Cooperative, Inc.'s Motion to Amend Petition for Remedy of Pole Attachment Violations, Payment of Sanctions and Rental Fees, and Removal of Pole Attachments regarding the above-referenced matter. The original, plus one copy, are being sent via overnight delivery today.

Please contact me with any questions.

Sincerely,



Amie L. Jamieson

Enclosures

cc: Thomas Kurien, Almega Cable (w/encl.-via E-mail & UPS Overnight Delivery)  
Ken Kissell, Oregon Trail Electric Consumers Cooperative, Inc. (w/encl.-via E-mail)

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.

**MOTION TO AMEND PETITION**

10 **I. INTRODUCTION**

11 On July 14, 2006, Oregon Trail Electric Consumers Cooperative, Inc. ("Oregon Trail")  
12 submitted its Petition for Remedy of Pole Attachment Violations, Payment of Sanctions and  
13 Rental Fees, and Removal of Pole Attachments ("Petition"). In the Petition, Oregon Trail asked  
14 that the Public Utility Commission of Oregon ("Commission") order Almega Cable ("Almega")  
15 to remedy all violations of OAR 860-028-0120(1)(c) and (d) on Oregon Trail's poles caused by  
16 Almega, to pay sanctions to Oregon Trail for violations of OAR 860-028-0120(1)(c) and (d), and  
17 to pay past-due rental fees to Oregon Trail. Oregon Trail also requested that the Commission  
18 include in its order the condition that if Almega fails to comply with the Commission's order  
19 within 30 days, Oregon Trail may remove Almega's pole attachments and charge Almega any  
20 costs associated with removal of the attachments.

21 Oregon Trail would like to correct an allegation in its Petition and update the amounts  
22 owed by Almega for its violations of OAR 860-028-0120. Therefore, Oregon Trail respectfully  
23 requests that the Commission grant this Motion to Amend Petition.

24 **II. AMENDMENTS**

25 In Paragraph 19 of its Petition, Oregon Trail stated that as of July 21, 2006, Almega will  
26 have failed to meet the time limitation set out in OAR 860-028-0170 by 60 or more days on

1 Almega's most recent violation. The correct date should be August 25, 2006. A copy of this  
2 violation is included as **Exhibit A**. On August 25, 2006, Oregon Trail may request an order from  
3 the Commission authorizing it to remove Almega's attachment pursuant to OAR  
4 860-028-0180(3). An updated list summarizing the status of Almega's violations in the Baker  
5 City District is attached as **Exhibit B**.

6 In Paragraph 20 of its Petition, Oregon Trail stated that Almega incurred unpaid sanctions  
7 and fees for correcting an NESC violation in the amount of \$19,465.99. The most recent list of  
8 Almega invoices shows that as of July 27, 2006, Almega owed \$19,965.99 in sanctions and fees.  
9 A list of sanction invoices issued to Almega is attached as **Exhibit C**. Oregon Trail requests that  
10 the Commission allow it to amend its prayer for relief to include a Commission order ordering  
11 Almega to pay Oregon Trail \$19,965.99 in sanctions.

12 WHEREFORE, Oregon Trail respectfully requests that the Commission allow it to amend  
13 its Petition in the manner described above.

14  
15 Respectfully submitted this 1st day of August, 2006.

16 ATER WYNNE LLP

17  
18 By: 

Kirk Gibson OSB #85122  
Amie Jamieson OSB #05439  
Ater Wynne LLP  
222 SW Columbia, Suite 1800  
Portland, OR 97201  
Telephone: (503) 226-8607  
FAX: (503) 226-0079  
E-mail: khg@aterwynne.com  
E-mail: alj@aterwynne.com

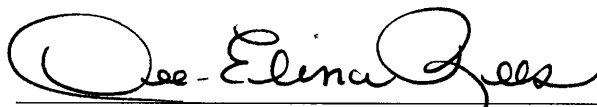
CERTIFICATE OF SERVICE

1  
2 I hereby certify that a true and correct copy of **OREGON TRAIL ELECTRIC**  
3 **CONSUMERS COOPERATIVE, INC.'S MOTION TO AMEND PETITION FOR**  
4 **REMEDY OF POLE ATTACHMENT VIOLATIONS, PAYMENT OF SANCTIONS AND**  
5 **RENTAL FEES, AND REMOVAL OF POLE ATTACHMENTS** was served via e-mail on  
6 the following party:

7 Thomas Kurien  
8 Almega Cable  
9 4001 West Airport Freeway, Suite 530  
10 Bedford, TX 76021-6125

11 Dated: August 1, 2006

12 ATER WYNNE LLP

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Dee-Elina Rees, Legal Secretary

Ticket Number: 423865  
Company: OREGON TRAIL ELECTRIC CONS. COOPERATIVE  
Creator: OTECBK  
Date Created: 3/17/2006  
Company Location: OREGON TRAIL ELECTRIC CONS. COOPERATIVE  
Engineer Name: KATIE SCHMIDT  
Phone: 541/524-2838  
Phone Ext:  
Pole Owner: OTECBK  
Construction Type: N  
Next To Go Member: BLACK  
Date Required: 4/17/2006  
Priority: 8  
DOT:  
Status: A  
State: Oregon  
County: Baker  
Place: Haines  
Location: T7 R39 SEC33  
NE corner of 2nd and Cole Streets  
Pole #101336563  
\*\*\*immediate attention please\*\*\*

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JOB STEPS -

Step Number: 1  
Member: BLACK  
Updated: 3/17/2006  
Poles: 1  
Job ID: 05PI366  
Date: 4/17/2006  
Status: P  
Job Type: TRANSFER OR REMOVE  
Remarks: OTEC IS REMOVING POLE AND ANCHOR HERE.PLEASE REMOVE  
YOUR ATTACHMENT.NEW POLE MOVES NORTH OUT OF THE SIDEWALK RAMP.

-----  
Step Number: 2  
Member: OTECBK  
Updated: 3/17/2006  
Poles: 1  
Job ID: 05PI366  
Date: 5/17/2006  
Status: P  
Job Type: PULL POLE  
Remarks: PULL POLE

-----  
Step Number: 3  
Member: BLACK  
Updated: 4/19/2006  
Poles: 1  
Job ID: 05PI366  
Date: 6/19/2006  
Status: P  
Job Type: SANCTION LEVEL 1  
Remarks: SANCTIONS ARE HEREBY IMPOSED FOR NON-COMPLIANCE ON

EXHIBIT     A      
PAGE   1   OF   2

ABOVE NOTICE, PURSUANT TO OAR 860-028-0120(1)(c)(d).SANCTION IS \$200.00 PER POLE, TOTALING \$200.00.AN ELECTRONIC INVOICE TO FOLLOW.

-----  
Step Number: 4  
Member: BLACK  
Updated: 6/19/2006  
Poles: 1  
Job ID: 05PI366  
Date: 7/20/2006  
Status: P

Job Type: SANCTION LEVEL 2  
Remarks: SANCTIONS ARE HEREBY IMPOSED FOR NON-COMPLIANCE 2ND  
NOTICE ON ABOVE TICKET, PURSUANT TO OAR 860-028-0180(1).SANCTION IS INCREASED TO 1.5TIMES THE ORIGINAL SANCTION, TOTALING \$100 ADDITIONAL SANCTION.aN ELECTRONIC INVOICE TO FOLLOW.

-----  
Step Number: 5  
Member: BLACK  
Updated: 7/25/2006  
Poles: 1  
Job ID: 06PI366  
Date: 8/25/2006  
Status: P

Job Type: SANCTION LEVEL 3  
Remarks: SANCTIONS ARE HEREBY IMPOSED FOR NON-COMPLIANCE 3RD  
NOTICE, PURSUANT TO OAR 860-028-0180(2).SANCTION IS INCREASED TO 2.0 TIME THE ORIGIANL SANCTION, TOTALING \$400.00 ADDITIONAL SANCTION.E-INVOICE TO FOLLOW.

EXHIBIT

A

PAGE 2 OF 2

BAKER SANCTIONS LOG					
DATE	TICKET #	UTILITY	MRF#	DUE DATE	TOTAL DUE
LEVEL 1					
3/7/2005	354662	BLACK	16270	5/8/2005	\$200
3/7/2005	346597	BLACK	15794	5/12/2006	\$200
8/3/2005	361011	BLACK	15238	8/17/2006	\$200
10/31/2005	385585	BLACK	05PI253	1/1/2006	\$200
4/19/2006	423865	BLACK	05PI366	6/19/2006	\$200
LEVEL 2					
					TOTAL DUE NOW
5/12/2005	354662	BLACK	16270	6/12/2005	\$300
5/12/2005	346597	BLACK	15794	6/12/2005	\$300
8/26/2005	361011	BLACK	15238	9/27/2005	\$300
1/5/2006	385585	BLACK	05PI253	2/6/2006	\$300
6/19/2006	423865	BLACK	05PI366	7/20/2006	\$300
LEVEL 3					
					TOTAL DUE NOW
6/17/2005	354662	BLACK	16270	7/18/2005	\$400
6/17/2005	346597	BLACK	15794	8/17/2005	\$400
10/1/2005	361011	BLACK	15238	11/1/2005	\$400
2/7/2006	385585	BLACK	05PI253	3/9/2006	\$400
7/25/2006	423865	BLACK	06PI366	8/25/2006	\$400

**OUTSTANDING BALANCE FOR ALMEGA**  
**AS OF 7/27/06**

<u>INV #</u>	<u>DATE</u>	<u>AMT</u>
	1/1/2005	\$129.80
	1/1/2005	\$3,507.40
346597A	3/7/2005	\$200.00
354662A	3/7/2005	\$200.00
355401A	3/8/2005	\$200.00
355393A	5/26/2005	\$200.00
355395A	5/26/2005	\$200.00
355401B	5/26/2005	\$100.00
361322A	5/26/2005	\$200.00
363518A	5/26/2005	\$200.00
363818A	5/26/2005	\$200.00
363820A	5/26/2005	\$200.00
363822A	5/26/2005	\$200.00
363823A	5/26/2005	\$200.00
363827A	5/26/2005	\$200.00
363943A	5/26/2005	\$200.00
363944A	5/26/2005	\$200.00
363947A	5/26/2005	\$200.00
363949A	5/26/2005	\$200.00
363956A	5/26/2005	\$200.00
363961A	5/26/2005	\$200.00
363969A	5/26/2005	\$200.00
363972A	5/26/2005	\$200.00
363973A	5/26/2005	\$200.00
364730A	5/26/2005	\$200.00
364733A	5/26/2005	\$200.00
364736A	5/26/2005	\$200.00
364767A	5/26/2005	\$200.00
364768A	5/26/2005	\$200.00
354662B	5/12/2005	\$100.00
346597B	5/12/2005	\$100.00
363965A	6/13/2005	\$200.00
355390A	6/17/2005	\$200.00
361011	6/17/2005	\$200.00
346597	6/17/2005	\$100.00
354662	6/17/2005	\$100.00
355395B	7/11/2005	\$100.00
355401C	7/11/2005	\$100.00
361322B	7/11/2005	\$100.00
363818B	7/11/2005	\$100.00
363820B	7/11/2005	\$100.00
363822B	7/11/2005	\$100.00
363823B	7/11/2005	\$100.00
363827B	7/11/2005	\$100.00
363943B	7/11/2005	\$100.00

EXHIBIT

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363944B	7/11/2005	\$100.00
363947B	7/11/2005	\$100.00
363949B	7/11/2005	\$100.00
363956B	7/11/2005	\$100.00
363961B	7/11/2005	\$100.00
363969B	7/11/2005	\$100.00
363972B	7/11/2005	\$100.00
363973B	7/11/2005	\$100.00
364767	7/26/2005	\$100.00
364733B	7/26/2005	\$100.00
364730B	7/26/2005	\$100.00
363518B	7/26/2005	\$100.00
364768B	7/26/2005	\$100.00
355393B	7/26/2005	\$100.00
364736B	7/26/2005	\$100.00
355395C	8/11/2005	\$100.00
361322C	8/11/2005	\$100.00
363818C	8/11/2005	\$100.00
363820C	8/11/2005	\$100.00
363822C	8/11/2005	\$100.00
363823C	8/11/2005	\$100.00
363827C	8/11/2005	\$100.00
363943C	8/11/2005	\$100.00
363944C	8/11/2005	\$100.00
363947C	8/11/2005	\$100.00
363949C	8/11/2005	\$100.00
363956C	8/11/2005	\$100.00
363961C	8/11/2005	\$100.00
363969C	8/11/2005	\$100.00
363972C	8/11/2005	\$100.00
363973C	8/11/2005	\$100.00
355390B	8/17/2005	\$100.00
361011B	8/26/2005	\$100.00
355393C	8/26/2005	\$100.00
363518C	8/26/2005	\$100.00
364730C	8/26/2005	\$100.00
364733C	8/26/2005	\$100.00
364736C	8/26/2005	\$100.00
364767C	8/26/2005	\$100.00
364768C	8/26/2005	\$100.00
364730C	9/14/2005	\$100.00
363965C	9/22/2005	\$100.00
361011C	10/1/2005	\$100.00
363825	10/25/2005	\$165.99
366798A	12/1/2005	\$200.00
383766A	12/1/2005	\$200.00
355390C	12/1/2005	\$100.00
396351A	12/8/2005	\$200.00
396352A	12/8/2005	\$200.00
396354A	12/8/2005	\$200.00
396357A	12/8/2005	\$200.00
396359A	12/8/2005	\$200.00

396361A	12/8/2005	\$200.00
396386A	12/8/2005	\$200.00
396388A	12/8/2005	\$200.00
396391A	12/8/2005	\$200.00
396393A	12/8/2005	\$200.00
396399A	12/8/2005	\$200.00
396400A	12/8/2005	\$200.00
396401A	12/8/2005	\$200.00
396358A	12/8/2005	\$200.00
385585B	1/11/2006	\$100.00
	1/31/2006	\$4,129.80
	1/31/2006	\$3,507.40
383766B	2/2/2006	\$100.00
366798B	2/6/2006	\$100.00
385585C	2/7/2006	\$100.00
396351B	2/9/2006	\$100.00
396352B	2/9/2006	\$100.00
396354B	2/9/2006	\$100.00
396357B	2/9/2006	\$100.00
396358B	2/9/2006	\$100.00
396359B	2/9/2006	\$100.00
396361B	2/9/2006	\$100.00
396386B	2/9/2006	\$100.00
396388B	2/9/2006	\$100.00
396391B	2/9/2006	\$100.00
396393B	2/9/2006	\$100.00
396399B	2/9/2006	\$100.00
396400B	2/9/2006	\$100.00
396401B	2/9/2006	\$100.00
368971A	2/17/2006	\$200.00
404211A	2/17/2006	\$200.00
396343A	2/17/2006	\$200.00
383766C	3/1/2006	\$100.00
366798C	3/12/2006	\$100.00
396352C	3/12/2006	\$100.00
396351C	3/12/2006	\$100.00
396354C	3/12/2006	\$100.00
396357C	3/12/2006	\$100.00
396358C	3/12/2006	\$100.00
396359C	3/12/2006	\$100.00
396361C	3/12/2006	\$100.00
396386C	3/12/2006	\$100.00
396388C	3/12/2006	\$100.00
396391C	3/12/2006	\$100.00
396393C	3/12/2006	\$100.00
396399C	3/13/2006	\$100.00
396400C	3/13/2006	\$100.00
396401C	3/13/2006	\$100.00
368971B	4/17/2006	\$100.00
404211B	4/17/2006	\$100.00
423865A	4/19/2006	\$200.00
396343B	4/24/2006	\$100.00

368971C	5/18/2006	\$100.00
404211C	5/18/2006	\$100.00
396343C	5/30/2006	\$100.00
423865B	6/19/2006	\$100.00
423865C	7/26/2006	\$100.00

**TOTAL** \$31,240.39