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FEBRUARY 13, 2006

BY FEDERAL EXPRESS

Public Utility Commission Of Oregon
Attn: Filing Center
550 Capitol Street N.E., Suite 215
Salem, Oregon 97308

**Re: Charter Communications Holding Company, LLC v. Central Lincoln
People's Utility District UM 1241**

Dear Sir/Madam:

Enclosed, for filing, are an original and one copy each of the following:


- Complainants' Opposition To Motion To Intervene By Portland General Electric.

Also enclosed is an additional copy of the above filing, which we request that the Commission stamp as filed and return to the below-signed via the enclosed pre-paid FedEx package.

A copy of the enclosed filing has also been electronically filed with the Commission today, and served as indicated on the accompanying certificate of service.

If you have any questions, please contact me.

Sincerely,



T. Scott Thompson

Enclosures

cc: Peter Gintner, Esq., Counsel for CLPUD (w/ enclosures)
Barbara W. Halle, Esq., Counsel for PGE (w/enclosures)
Brooks E. Harlow, Esq.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

Docket No. UM 1241

CHARTER COMMUNICATIONS)	
HOLDING COMPANY, LLC, FALCON)	
TELECABLE, L.P., FALCON CABLE)	
SYSTEMS COMPANY II, L.P., and)	
FALCON COMMUNITY VENTURES I, L.P.,)	COMPLAINANTS' OPPOSITION TO
Complainants,)	PETITION TO INTERVENE
)	BY PORTLAND GENERAL ELECTRIC
vs.)	
)	
CENTRAL LINCOLN PEOPLE'S UTILITY)	
DISTRICT,)	
Defendant.)	

Complainants Charter Communications Holding Company, LLC, Falcon Telecable, L.P., Falcon Cable Systems Company II, L.P., and Falcon Community Ventures I, L.P. (jointly "Charter") oppose the Petition to Intervene submitted by Portland General Electric Company ("PGE" or "Petitioner") because PGE's Petition fails to satisfy the requirements of Oregon Administrative Rule 860-012-0001 and does not raise any valid issues or interests to justify PGE's intervention.

I. PGE'S MOTION TO INTERVENE FAILS TO SATISFY THE REQUIREMENTS OF OAR 860-012-0001

Petitioner's Petition to Intervene is legally insufficient and does not meet the standards for intervention pursuant to Oregon Administrative Rule 860-012-0001. More specifically, PGE does not identify its interest in the proceeding, any issues it intends to raise, or how its participation will assist the Commission in resolving the dispute between Charter and Central Lincoln.

First, PGE fails to identify sufficient interest in the proceeding. Section 1(d) of OAR 860-012-0001 states that a party wishing to intervene in a proceeding before the Commission must state “[t]he nature and extent of the petitioner’s interest in the proceeding.” PGE has not satisfied this requirement. PGE merely states that since it is a public utility subject to the jurisdiction of the Commission, it is concerned that a decision made in this proceeding may directly affect PGE.¹ PGE’s statement is inadequate. Under PGE’s bare bones approach, potentially every entity within the Commission’s jurisdiction would be an “interested” party. Moreover, even taken in the most favorable light, PGE’s assertion overstates the case. Charter’s Complaint states a discrete dispute between two parties involving specific terms of their contract and the fees and charges imposed thereunder. PGE has no knowledge of facts that would be relevant to that dispute. In addition, this proceeding generally seeks the application of the precedent established in UM-1087 involving Defendant Central Lincoln only a few months ago. To the extent that precedent was established that might affect PGE, it was established in UM-1087 – a proceeding in which PGE did participate as a party.

Second, PGE fails to identify a single issue that it intends to raise at the proceeding. In addition to requiring that PGE identify its interest, OAR 860-012-0001(1)(e) requires PGE to identify “[t]he issues petitioner intends to raise at the proceeding.” Presumably, the purpose of this portion of the rule is to assure that the potential intervenor, beyond being an interested party, can articulate the particular issues on which it seeks to be heard. Indeed, subsection (1)(e) appears specifically designed to prevent intervention by parties who wish simply to “monitor” the case and decide when and if to participate based on the intervenor’s read of how the matter is going. Yet, that is precisely what PGE proposes. Rather than pinpoint specific issues it intends to raise, PGE asserts only that it will “monitor the proceeding and, if necessary, raise issues that

¹ PGE’s Petition to Intervene at 2 (filed February 7, 2006) (“PGE Petition”).

are appropriate to the proceeding.” Charter’s Complaint is detailed and specific regarding the facts and legal issues presented, making it readily possible for PGE to identify now the issues it intends to raise. PGE has failed to meet even the bare bones requirement of OAR 860-012-0001(1)(e).

In recent pole attachment cases, the Commission has granted limited intervention, but unlike PGE, the intervenors in those cases had a specific interest and had identified the specific issues they would raise. For example, in a recent pole attachment dispute between Qwest and Central Electric Cooperative, the Commission granted the motions to intervene of two cable operators. *Qwest Corp. v. Central Electric Cooperative, Inc.*, UM 1191, Prehearing Conference Report (Apr. 4, 2005). In that case, the intervenor cable operators had stated an interest in the dispute because they were simultaneously seeking pole attachment agreement terms from the Defendant Central Electric Cooperative, and they had identified the lawfulness of the terms of CEC’s pole attachment contract as the issues they would raise. Their intervention was granted, but limited to discussion of proposed contract provisions. In comparison, in this case, PGE has not identified any specific interest it has or identified the issues it will raise, despite Charter’s detailed Complaint.

Finally, PGE does not even attempt to address the requirement set forth in OAR 860-012-0001(1)(f), which requires that the petitioner identify the special knowledge or expertise it possesses that would assist the Commission in resolving the issues in the proceeding.

Ultimately, to the extent that PGE has generic interests in pole attachment issues, the Commission has initiated a separate docket to discuss pole attachment regulatory issues.² The

² See *Rulemaking to Amend and Adopt Permanent Rules in OAR 860, Chapters 24 and 28, Regarding Pole Attachment Use and Safety*, Docket AR 506.

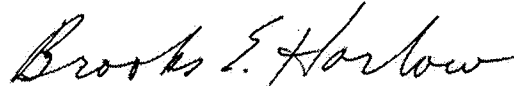
Commission's open rulemaking docket is the appropriate forum for PGE to "monitor" and raise issues it may have on general pole attachment matters.

II. CONCLUSION

Petitioner fails to satisfy the requirements of Oregon Administrative Rule 860-012-0001 and does not raise any valid issues or interests to justify its intervention in this proceeding. Therefore, Complainants respectfully requests that the Commission deny PGE's Petition for Intervention in this proceeding.

DATED this 13th day of February, 2006.

MILLER NASH LLP



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Attorneys for Complainants
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Falcon Cable Systems Company II, L.P.,
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/S/ T. Scott Thompson

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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

CHARTER COMMUNICATIONS
HOLDING COMPANY, LLC, FALCON
TELECABLE, L.P., FALCON CABLE
SYSTEMS COMPANY II, L.P., AND
FALCON COMMUNITY VENTURES I,
L.P.

Case No. UM 1241

Complainants,

v.

CENTRAL LINCOLN PEOPLE'S UTILITY
DISTRICT,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following pleadings

- Opposition to Motion To Intervene of Portland General Electric.

were served via e-mail transmission, and by U.S. Mail in sealed envelopes upon the following:

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Dated this 13th day of February, 2006, at Washington, D.C.



T. Scott Thompson
Counsel for Charter