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October 2, 2006

**VIA EMAIL and DHL**

Oregon Public Utility Commission  
Attention: Filing Center  
550 Capitol Street, N.E., Suite 215  
Salem, OR 97308-2148

**Re: AR 506: In the Matter of Rulemaking to Amend and Adopt Permanent  
Rules in OAR 860, Division 028 Regarding Pole and Conduit Attachments**

Enclosed for filing in the above-captioned docket is an Erratum to Verizon Northwest Inc.'s Opening Comments that were filed on September 28, 2006.

If you have any questions, please contact Renee Willer at 503-645-7909.

Sincerely,

Kim Douglass

c: AR 506 Service List

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 506

In the Matter of a Rulemaking to Amend and	)	Erratum to Opening Comments
Adopt Permanent Rules in OAR 860,	)	of Verizon Northwest Inc.
Division 028 Regarding Pole and Conduit	)	
Attachments (Phase 2)	)	

Verizon Northwest Inc. (“Verizon”) files this erratum to its opening comments in Phase 2 of this proceeding addressing the Division 28 rules proposed in this docket. This errata relates to Verizon’s comments addressing Rule 860-028-0020(33). This section 9 should be changed to state as follows:

**9. Rule Number: 860-028-0020(33)**

Verizon supports Staffs revisions to the definition of “usable space”, but urges the Commission add the new language proposed by Verizon. This addition clarifies the method of calculating the rental rate and will avoid disputes regarding the application of OAR 860-028-0110(4). Verizon proposes that this rule be modified to state:

“Usable space” means all the space on a pole, except: the portion below ground level, the 20 feet of safety clearance space above ground level, and the safety clearance space between the communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground. **Safety clearance space, which averages 20 feet, may be included in the definition of usable space in determining the rental rate formula if the owner charges for attachments made in this space.**

The proposed rule and text previously submitted on September 28, 2006, under subsection 9 of Verizon’s opening comments should be deleted.

Dated: October 2, 2006

VERIZON NORTHWEST INC.

By 

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**CERTIFICATE OF SERVICE  
AR 506**

I certify that on October 2, 2006, I served the Comments of Verizon Northwest Inc. by electronic mail and Overnight Mail to:

Filing Center  
Public Utility Commission of Oregon  
550 Capitol Street NE, Suite 215  
Salem, OR 97301-2551  
[puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us)

I further certify that I have this day sent the above-referenced document(s) upon all parties of record in this proceeding by mailing a copy properly addressed with the first class postage prepaid, and by electronic mail pursuant to OAR 860-013-0070, to the following parties or attorneys of parties:

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**Re: AR 506: In the Matter of Rulemaking to Amend and Adopt Permanent  
Rules in OAR 860, Division 028 Regarding Pole and Conduit Attachments**

Enclosed for filing in the above-captioned docket is Attachment A to Verizon Northwest Inc.'s ("Verizon") Opening Comments that were filed on September 28, 2006. This is a redlined document of Verizon's proposed changes.

If you have any questions, please contact Renee Willer at 503-645-7909.

Sincerely,

Kim Douglass

c: AR 506 Service List

Enclosure

1. **Rule Number: 860-028-0020(2)**

Verizon proposes that this rule be modified to state:

**(2) “Authorized attachment space” means the space occupied by SPECIFIED BY THE OWNER AND OCCUPANT IN A POLE ATTACHMENT AGREEMENT AS THE AVERAGE AMOUNT OF SPACE FOR one or more attachments on a pole by a licensee THE OCCUPANT with the pole owner’s permission pursuant to a pole attachment agreement. THE AUTHORIZED ATTACHMENT SPACE MUST NOT BE LESS THAN 12 INCHES. ADDITIONAL ATTACHMENT SPACE MAY BE AUTHORIZED IN INCREMENTS OF ONE INCH OR MORE.**

2. **Rule Number: 860-028-0020(3)**

Verizon proposes that this rule be modified to state:

**(3) “Carrying Charge” means the costs incurred by the owner in owning and maintaining distribution poles or conduits regardless of the presence of pole attachments or occupation of any portion of the conduits by licensees. The carrying charge is expressed as a percentage. The carrying charge is the sum of the percentages calculated for the following expense elements, using owner’s data from the most recent calendar year and that are publicly available to the greatest extent possible:**

**(a) The administrative and general percentage is total general and administrative expense as a percent of total plant net investment.**

**(b) The maintenance percentage is maintenance of overhead lines expense or conduit maintenance expense as a percent of net investment in overhead plant facilities or conduit plant facilities.**

**(c) The depreciation percentage is the depreciation rate for gross pole or conduit investment multiplied by the ratio of gross pole or conduit investment to net investment in poles or conduit.**

**(d) Taxes are total operating taxes, including, but not limited to, current, deferred, and “in lieu of” taxes, as a percent on net investment in total plant.**

**(e) The cost of money is calculated as follows:**

**(A) For a telecommunications utility, the cost of money is equal to the rate of return on investment authorized by the Commission in the pole or conduit owner’s most recent rate or cost proceeding;**

**(B) For a public utility, the cost of money is equal to the rate of return on investment authorized by the Commission in the pole or conduit owner's most recent rate or cost proceeding; or**

**(C) For a consumer-owned utility, the cost of money is equal to the weighted average of the consumer-owned utility's embedded cost of debt and the most recent cost of equity authorized by the Commission for ratemaking purposes for an electric company as defined in OAR 860-038-0005.**

(F) THESE CARRYING CHARGE EXPENSE ELEMENTS INCLUDE ADMINISTRATIVE COSTS RELATED TO PROCESSING NEW ATTACHMENTS, EMPLOYEE AND CONTRACTOR EXPENSES, ROUTINE INSPECTIONS AND OTHER ADMINISTRATIVE EXPENSES RELATED TO OPERATION AND MAINTENANCE.

(G) THE CARRYING CHARGE MUST NOT INCLUDE NET INCOME AND CUSTOMER, ADVERTISING, MARKETING AND SIMILAR EXPENSES.

(H) THE CARRYING CHARGE MUST BE CALCULATED USING THE FOLLOWING ACCOUNTS:

(A) FOR A UTILITY PROVIDING COMMUNICATIONS SERVICE, APPENDIX E-1 SECTION 224(E) TELECOM FORMULA FOR DETERMINING MAXIMUM RATE FOR USE OF LEC UTILITY POLES USING FCC ARMIS ACCOUNTS; OR

(B) FOR UTILITY PROVIDING ELECTRIC OR POWER SERVICE, APPENDIX E-2 SECTION 224(E) TELECOM FORMULA FOR DETERMINING MAXIMUM RATE FOR USE OF ELECTRIC UTILITY POLES USING FERC FORM 1 ACCOUNTS.

3. **Rule Number: 860-028-0020(11)**

Verizon proposes that this rule be modified to state:

**“Make ready work” means REARRANGEMENT, CHANGE-OUT OR REPLACEMENT ~~administrative, engineering, or construction work necessary to make~~PREPARE a pole, conduit, or other support equipment structure available for a new attachment, modified attachment MODIFICATIONS, or additional facilities and may include a field inspection of such structure if such inspection is necessary to determine if the structure is suitable. Make ready work costs are nonrecurring costs, and are not contained in carrying charges** SHALL NOT INCLUDE WORK PERFORMED TO CONDUCT A ROUTINE INSPECTION, TO PROCESS AN APPLICATION OR

PERMIT OR TO PERFORM ANY OTHER WORK FOR WHICH CHARGES ARE INCLUDED IN THE CARRYING CHARGE COMPONENT OF THE POLE ATTACHMENT RENTAL RATE.

4. **Rule Number: 860-028-0020(17)**

Verizon proposes the following definition:

**“Pattern” means a course pattern of behavior DOCUMENTED BY THE COMMISSION that results in a material breach of a contract, or permit, or in flagrant violation of OAR 860-028-120. A COURSE OF BEHAVIOR ONLY CONSTITUTES A PATTERN IF ALL OF THE EVENTS COMPRISING THE PATTERN BEGAN AFTER THE ENACTMENT OF THIS PROVISION.**

5. **Rule Number: 860-028-0020(20)**

Verizon recommends that the rule be modified to state:

**(20) “Pole Cost” means the depreciated original installed cost of an average bare DISTRIBUTION pole to include support equipment of the pole owner, from which is subtracted related accumulated deferred taxes, if any. There is a rebuttable presumption that the average bare DISTRIBUTION pole is 40 feet and the ratio of bare DISTRIBUTION pole to total DISTRIBUTION pole for a public utility or consumer-owned utility is 85 percent, and 95 percent for a telecommunications utility.**

6. **Rule Number 860-028-0020 (21)**

Verizon recommends that this rule be modified to state:

**“Post construction inspection” means ~~work performed~~ INSPECTION ON NEW ATTACHMENTS to verify and ensure the construction complies with the permit, THE POLE ATTACHMENT governing agreement, and the Commission safety rules.**

**7. Rule Numbers: 860-028-0020(26), (27), and (28)**

The definitions and use of the terms “special inspection,” “support equipment” and “support equipment cost” should be deleted throughout the proposed rules.

**8. Rule Number: 860-028-0020(32)**

Verizon proposes that this rule be modified to state:

**“Unauthorized attachment” means an attachment made to a pole without a permit and a governing agreement.**

**9. Rule Number: 860-028-0020(33)**

Consistent with its erratum filed October 2, 2006, Verizon proposes that this rule be modified to state:

“Usable space” means all the space on a pole, except: the portion below ground level, the 20 feet of safety clearance space above ground level, and the safety clearance space between the communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground. SAFETY CLEARANCE SPACE, WHICH AVERAGES 20 FEET, MAY BE INCLUDED IN THE DEFINITION OF USABLE SPACE IN DETERMINING THE RENTAL RATE FORMULA IF THE OWNER CHARGES FOR ATTACHMENTS MADE IN THIS SPACE.

**10. Rule Number: 860-028-0020(XX)**

The term “routine inspection” should be added to the definitions as follows:

“ROUTINE INSPECTION” MEANS, IN ORDER TO ENSURE PROPER CONSTRUCTION, AN INSPECTION BY AN OWNER OF ALL POLES, DUCTS, CONDUITS OR RIGHTS-OF-WAY FOR NEW LINE INSTALLATIONS AND ATTACHMENTS THERETO INCLUDING THOSE OF POLE OCCUPANTS AND SAFETY INSPECTIONS TO IDENTIFY VIOLATIONS OF THE COMMISSION SAFETY AND INSPECTIONS FOR UNAUTHORIZED ATTACHMENTS, OR OTHER DEFECTS OR DETERIORATIONS. THE COSTS FOR ROUTINE INSPECTIONS CAN NOT BE PASSED ON TO THE POLE OCCUPANTS DIRECTLY. THESE COSTS ARE PART OF NORMAL MAINTENANCE.

**11. Rule Number: 860-028-0050(2) - Owner Correction**

This proposed rule should be deleted.

12. **Rule Number: 860-028-0050(3)**

Verizon recommends deletion of this section.

13. **Rule Number: 860-028-0060**

Verizon proposes that this rule be modified to state:

Attachment Contracts

~~**(1) Any entity requiring pole attachments to serve customers should use poles jointly as much as practicable.**~~

~~**(2) To facilitate joint use of poles, entities must execute contracts establishing rates, terms, and conditions of pole use in accordance with OAR 860-028-0120.**~~

(1) UNLESS OTHERWISE ALLOWED BY CONTRACT BETWEEN THE PARTIES, OWNERS AND OPERATORS SHALL NOT PLACE POLES IN OR NEAR AN EXISTING POLE OR POLE LINE OF ANOTHER COMPANY.

~~**(2) Parties must negotiate pole attachment agreements** CONTRACTS **in good faith.**~~

~~**(3) Unless otherwise provided for by contract, the last effective contract between the parties will continue in effect until a new or amended contract between the parties goes into effect.**~~

14. **Rule Number: 860-028-0070(2) and (4)(e)(C)**

Verizon proposes that this proposed rule be modified to state:

~~**(2) Before a complaint is filed with the Commission, one party must request, in writing, REQUEST negotiations for a new or amended attachment agreement** OR FOR RESOLUTION OF THE DISPUTED ISSUES **from the other party.**~~

~~**(C) If the owner does not provide the data and information required by this rule after a request by the licensee the OCCUPANT, licensee OCCUPANT will include a statement indicating the steps taken to obtain the information from the owner, including the dates of all requests.** IF THE OWNER HAS NOT SUBMITTED THE DATA AND INFORMATION IN RESPONSE TO THE OCCUPANT'S REQUEST, THE OWNER MUST SUPPLY IT IN ITS RESPONSE TO THE COMPLAINT.~~

15. Rule Number: 860-028-0100(2)

This subsection should be modified as follows:

UNLESS OTHERWISE AGREED TO BY THE PARTIES IN THEIR JOINT USE AGREEMENTS OR AS OTHERWISE DIRECTED BY THE COMMISSION, **An applicant requesting a new or modified attachment will submit and application providing the following information in writing or electronically to the owner:**

16. Rule Number: 860-028-100(3)

Verizon recommends deleting this rule.

17. Rule Number: 860-028-0100(5)

Verizon proposes that this proposed rule be modified as follows:

**If the owner approves an application that requires make ready work, AND THE APPLICANT APPROVES THE ESTIMATE OF COSTS FOR SUCH MAKE READY WORK, THEN the owner will perform such work at the applicants' expense. This work will be completed as quickly and inexpensively as is reasonably possible consistent with applicable legal, safety, and reliability requirements. Where this work requires more than 30 business days to complete, the parties will negotiate a mutually satisfactory longer time frame to complete the make ready work.**

18. Rule Number (or proposed location): 860-028-0110(3)

This proposed subsection should be deleted.

19. Rule Number: 860-028-0110(4)(c)

Verizon proposes this rule be modified as follows:

**An additional or modified attachment by the licensee OCCUPANT that that meets the Commission safety rules and is placed within the licensee occupant's existing authorized attachment space will be considered a component of the existing pole permit for rental rate determination purposes. Such attachment additions or modifications may include, but are not limited to, cabinets, splice boxes, load coil cases, bonding wires and straps, service drops, guy wires, vertical risers, or cable over-lashings.**

**20. Rule Number: 860-028-0110(6)**

An owner may not assess a fee or charge to an occupant in addition to the annual pole attachment rate for any cost included in the calculation of its pole attachment rental rate.

This proposed language is appropriate because all costs incurred by the owner that are included annual pole attachment rental rate cannot be included or in the recovery of make ready work charges. This addition is supported by the Commission's Order 05-492 entered in Case No. UM 1087.

**21. Rule 860-028-0310(6)**

This subsection should be deleted

**CERTIFICATE OF SERVICE  
AR 506**

I certify that on October 2, 2006, I served the Comments of Verizon Northwest Inc. by electronic mail and Overnight Mail to:

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I further certify that I have this day sent the above-referenced document(s) upon all parties of record in this proceeding by mailing a copy properly addressed with the first class postage prepaid, and by electronic mail pursuant to OAR 860-013-0070, to the following parties or attorneys of parties:

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