



Oregon Joint Use Association

1286 Court Street NE
Salem, OR 97301

PHONE: (503) 378-0595 FAX: (503) 364-9919

EMAIL: info@ojua.org • WEB ADDRESS: <http://www.ojua.org>

May 1, 2006

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John Sullivan

VICE CHAIRPERSON:

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Executive Assistant: Genoa Ingram
Administrative
Services: Laoreal Williams

Oregon Public Utility Commission
Attn: Filing Center
PO Box 2148
Salem, OR 97308-2148

RE: OPUC Docket No. AR 506 – In the Matter of a Rulemaking to Amend and Adopt Permanent Rules in OAR 860 Division 24 Regarding Pole Attachment Use and Safety

Please find enclosed for filing in the above-captioned docket the Oregon Joint Use Association's AR 506 Division 24 comments. As a courtesy, we have provided an electronic copy of these documents to the interested parties identified on the Association's service list.

Sincerely,

LEAHY & KIERAN

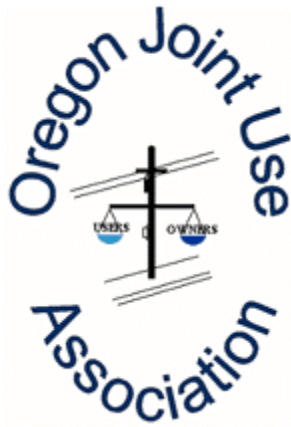
Christy K. Monson
CKM:rdg
Filing on behalf of the Oregon Joint Use Association

Dedicated to the Education, Cooperation,
and Resolution of Utility Joint Use Issues

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 506

In the Matter of a Rulemaking to Amend and)	DIVISION 24 COMMENTS OF
Adopt Permanent Rules in OAR 860, Divisions)	OREGON JOINT USE
24 and 28, Regarding Pole Attachment Use)	ASSOCIATION
and Safety.)	May 1, 2006



Oregon Joint Use Association

Proposed Revisions to Division 24

Monday, May 1, 2006

Introduction

The Oregon Joint Use Association (“OJUA”) respectfully submits the below comments on the AR 506 Rulemaking on Division 24. We look forward to working with all interest groups to reach consensus on as many issues as possible before the June 1 hearing. It is our intent to further supplement this rulemaking record throughout the comment period. This initial filing is drafted to offer a basic outline of the issues and summary of OJUA positions.

OJUA Fairness, Responsibility and Safety Doctrine

The OJUA is one the nation’s very few comprehensive, legislatively created industry workgroups. It is comprised of pole owners and pole users representing electric utilities (IOUs, PUDs, Co-ops), communications companies, (ILIC/CLIC and CATV) and government entities. In drafting and debating these rule amendments, the OJUA consistently applied a doctrine of *fairness, responsibility, and safety*. A review of the OJUA amendments will show that OJUA has offered several amendments which actually increase our members’ safety responsibilities, in addition to several clarification and cost accountability-based amendments. The OJUA amendments come to the Public Utility Commission of Oregon (“PUC”) as unanimous consensus amendments from our Board of Directors (see Exhibit “A”).

Oregon’s Leading Safety Stature

Lastly, we wish to emphasize our opinion, supported by PUC Staff and other national industry experts, that there is *no emergent safety problem with electric or communication facilities in Oregon*. In fact, Oregon’s infrastructure, coordination efforts, and processes are often hailed exemplary.

The OJUA looks forward to working with all interest groups on further consensus amendments to Division 24.

Issue 1: “Pattern of Noncompliance”

Citation: OAR 860-024-0001(7)

(7) “Pattern of noncompliance” means a course of behavior that results in frequent violations of the Commission Safety Rules.

I. Effect of the Administrative Rule

To better provide a frame of reference regarding the relevance of the term “pattern of noncompliance,” we summarize the OJUA’s interpretation of the proposed OAR below:

OAR 860-024-0011 as proposed by the PUC Staff provides the following:

- It regulates the inspections for operator facilities and provides a standard duty for operators to comply with the “Commission Safety Rules” during the construction, operation and maintenance of facilities. The OJUA agrees to this provision.
- It provides a mandate for operators to invest in documented training of all employees. The OJUA agrees to this provision.
- It mandates a new timeline for both inspections and safety patrols of facilities without regard to the operators’ current plans of inspection, naturally-occurring emergencies, previously planned coordination between operators regarding joint inspection efforts, or other circumstances. Despite the fact that these timelines exceed the NESC Standards, the OJUA agrees to this provision.
- Lastly, and at issue here, it allows the PUC to establish shorter intervals between inspections under two circumstances: 1) in the event of extraordinary conditions; or 2) if the operator has demonstrated a *pattern of noncompliance* with the Commission Safety Rules.

II. Discussion of OJUA Position on “Pattern of Non-Compliance”

OJUA emphasizes the importance of this last bulleted point. As an association of operators, users, and government entities, OJUA promotes and encourages its members to be safe and responsible. We support PUC efforts to regulate bad actors.

The punitive establishment of five-year intervals for safety inspections is an effective way to do this. However, establishing a five-year inspection cycle can be extremely costly. In a fairly applied system of regulation, operators are entitled to: 1) a clear, unambiguous standard for when they may be subject to costly corrective actions; and 2) a safe harbor from the corrective action if they have responsibly instituted a plan of correction.

III. Recommendation

Amend the definition of “pattern of noncompliance” as provided below to: 1) provide appropriate guidance for operators facing costly corrective actions and 2) to provide a safe-harbor for operators who have responsibly instituted a plan of correction:

“Pattern of noncompliance” means a course of behavior documented by the PUC that results in frequent, material violations of the ~~Commission Safety Rules~~ National Electrical Safety Code and for which the operator has no documented

plan of correction. As used in this section “material violation” shall mean a violation which: 1) is reasonably expected to endanger life or property; or 2) poses a potential risk of exposure to the general public. [COMMENT: The first prong of this definition comes from the NESC, Section 214 (a)(5).]

2. **Issue: Training of Employees**

Citation: OAR 860-024-0011(1)(b)(c)

Inspections and Compliance of Electric Supply and Communication Facilities

(1) An operator of electric supply facilities or an operator of communication facilities must:

(a) Construct, operate, and maintain its facilities in compliance with the Commission Safety Rules.

(b) Train its employees in the Commission Safety Rules necessary for the covered tasks.

(c) Require contractors to provide evidence of training for their employees in the Commission Safety Rules necessary for the covered tasks.

I. *Discussion of Training Standards*

The OJUA proposes deleting the requirements for electric supply and communications operators to provide training per the standards set out in the proposed rules. This is an unnecessary rule since such operators must already provide such training under NESC 410 (A)(2):

“The employer shall provide training to all employees who work in the vicinity of exposed energized facilities. The training shall include applicable work rules required by this Part of the NESC and other mandatory referenced standards or rules. The employer shall ensure that each employee has demonstrated proficiency in required tasks. The employer shall provide retraining for any employee who, as a result of routine observance of work practices, is not following work rules.”

Operators already commit significant resources to compliance with several different training standards, including: 1) The NESC training standards which apply to electric supply and communications operators and their contractors; 2) OR-OSHA and joint use contracts which all require training; 3) Industry, affiliated organizations, and individual companies each provide task-specific training; and, finally; 4) The OJUA’s annual NESC training. (For the past two years the OJUA has retained a nationally recognized instructor, David Marne. Dave is a member of one of the committees responsible for the writing of the NESC and conducts training throughout the nation. He has stated that the training he does in Oregon is the only one in which representatives from all the industries (electric, telephone, and cable television) attend the same training session.) Adding yet another layer of training requirements is an unjustified expense that will yield little, if any, additional safety value and may serve to increase costs to rate-payers.

II. *OJUA Proposal*

The OJUA respectfully proposes that the requirements for operators and contractors to train employees in the Commission Safety Rules necessary for the covered tasks be deleted and suggests the following:

- (1) Each electric supply and communication operator must:**
 - (a) Construct, operate, and maintain its facilities in compliance with the rules contained in the ~~Commission Safety Rules~~ National Electrical Safety Code.**
 - (b) ~~Train its employees in the Commission Safety Rules necessary for the covered tasks.~~**
 - (c) ~~Require contractors to provide evidence of training for their employees in the Commission Safety Rules necessary for the covered tasks.~~**

3. Issue: Prioritization and Timing of Corrective Work

Citation: OAR 860-024-0012

Prioritization of Repairs by Operators of Electric Supply Facilities and Operators of Communication Facilities

- (1) A facility with a violation of the Commission Safety Rules that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the operator immediately after discovery.**
- (2) Except as otherwise provided by this rule, the operator must correct violations of Commission Safety Rules no later than two years after discovery.**
- (3) An operator may elect to defer for a third year corrections of no more than 5 percent of violations identified during the operator's detailed facility inspection each year. Violations qualifying for deferral under this section cannot reasonably be expected to endanger life or property. The operator must develop a plan detailing how it will remedy each such deferral. If more than one operator is affected by the deferral, all affected operators must agree to the plan or the violation(s) may not be a part of the third year deferral.**
- (4) For good cause shown and where equivalent safety can be achieved, unless otherwise prohibited by law, the Commission may for a specific installation waive the requirements of OAR 860-024-0012.**

I. *Discussion of the PUC Staff Proposed Language*

A. The Proposed Language is Unreasonable

The PUC Staff's above proposal must be amended or stricken for two reasons. First, the artificial timeline for repairs proposed by PUC Staff is unreasonable. It extends far beyond the requirements of the NESC Standards, applies to all safety violations without regard to the actual safety risk posed, and ignores, to the detriment of Oregon's rate payers, the realities of an industry already recognized as safe.

To be specific, the PUC Staff's proposal to address *all* safety violations, no matter how small the safety risk, within a two-year time frame is unsupportable. Applying this rule would lead to absurd results and a waste of rate payer resources. For example, an exposed ground rod is a safety violation. However, if that exposed rod is located in an isolated rural cow pasture, resources are better spent addressing repairs

which truly pose a safety hazard to the worker or to the general public. A reasonable regulation must include some categorization of the seriousness of the safety threat to the worker or the general public.

The proposed rule also imposes correction mandates without regard to the realities of the industry. Such realities include: consideration of the operators' current plans of correction, inspection cycles, budget processes, planned coordination agreements regarding joint repair efforts, geographic location of the corrections, seasonal, weather or topographical concerns, the density of the facilities in an area, or the true safety risk posed to the public. The importance of these concepts are fully explained in the OJUA's Inspection/Correction Report completed in 2004, see attached EXHIBIT "B". The OJUA continues to support the findings, principals and conclusions identified in that report.

B. The Proposed Language Is Beyond PUC Rulemaking Authority

The Public Utility Commission of Oregon rulemaking authority in ORS 757.035 (1) extends only to *reasonable* rules or regulations. Therefore, for the reasons stated above, the PUC does not have the requisite rulemaking authority to consider this rule as proposed. Should the ALJ determine that ORS 757.035(1) grants the requisite authority to make this rule, the OJUA requests that significant amendments be made as detailed below.

II. Discussion of NESC History and Standards for Prioritization of Repairs

According to the 2002 Edition of the NESC 214(A) 4 and 5, defects must be remedied within the following timelines:

- (4) Record of Defects: Any defects affecting compliance with this code revealed by inspection or tests, if not promptly corrected, shall be recorded; such records shall be maintained until the defects are corrected.*
- (5) Remedying of Defects: Lines and equipment with recorded defects that could reasonably be expected to endanger life or property shall be promptly repaired, disconnected, or isolated.*

Artificial time frames for correction have in the past been considered by the NESC, but were rejected by industry experts to allow operators to responsibly and realistically manage their resources in accordance with current business practices. The NESC's purposeful silence as to specific time frames for corrections is based upon expert knowledge of the industry's own ability to best apportion resources to the most needed areas.

III. Discussion of Oregon's Leading Safety Stature

PUC Staff openly acknowledge that industry in the State of Oregon is "head and shoulders above the rest" when it comes to the safety of our facilities. At an April 28, 2006 meeting between the OJUA Board of Directors and the PUC safety staff, John

Wallace stated that in his travel throughout the western states Oregon is head and shoulders above the rest. The comment was in direct response to an OJUA Board member's comments that companies in Oregon were actively working on correction.

It is uncontested that there is no emergent safety problem here in Oregon. In the absence of such emergency, the PUC Staff imposition of such severe artificial repair timelines which extend far beyond the recognized national standards is per se unreasonable.

IV. The OJUA Proposal: Concessions Regarding Prioritization of Repairs

OJUA members have a dual duty regarding repairs: 1) to the public to maintain safe facilities; and 2) to the ratepayers to spend funds responsibly, based on an orderly plan corrections. The OJUA is not advocating that code violations should go uncorrected in perpetuity and agrees with the Oregon Municipal Electric Utilities Association's statement to the PUC that:

“Some mechanism is needed to waive corrections beyond three years where there is no danger to life or property. For example: It doesn't make sense to replace a pole to gain six inches or when the pole is boxed. Please note that climbing space clearances are not violations by the NESC if the pole is uniformly worked from a bucket. In that case, there is no violation, but is something that may require and expensive “fix”, for example, multiple cable splicing or pole change-outs”

While the OJUA recognizes that the NESC is reasonable national standard for prioritization of repairs, the OJUA respectfully recognizes to PUC Staff concerns and proposes the addition of incremental and well-reasoned prioritization requirements above and beyond the NESC requirements. They include a five year correction plan, a reasonable deferral plan, and provisions allowing for mutual agreement between operators. They are detailed below:

V. OJUA Recommendation

NESC Corrections

~~(1) A violation of the Commission Safety Rules that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the operator immediately after discovery.~~

~~(2) Except as otherwise provided by this rule, the operator must correct violations of Commission Safety Rules no later than two years after discovery.~~

~~(3) An operator may elect to defer for a third year corrections of no more than five percent~~

~~of violations identified during the operator's detailed facility inspection each year. Violations qualifying for deferral under this section cannot reasonably be expected to endanger life or property. The operator must develop a plan detailing how it will remedy each such deferral. If more than one operator is affected by the deferral, all affected operators must agree to the plan or the violation(s) may not be a part of the third year deferral.~~

~~(4) For good cause shown and where equivalent safety can be achieved, unless otherwise prohibited by law, the Commission may for a specific installation waive the requirements of OAR 860-024-0012.~~

~~(1) Violations of the National Electrical Safety Code (NESC) will be addressed as follows:~~

~~(a) A violation of the NESC that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the operator immediately after discovery.~~

~~(b) Except as otherwise provided by this rule, the operator must correct violations of the National Electrical Safety Code no later than five years after discovery.~~

~~(c) An operator may elect to defer to a plan of correction those violations that cannot reasonably be expected to endanger life or property and can be corrected during the next major activity~~

~~(1) All violations referenced in section (c) shall require a plan of correction mutually agreed upon by affected occupants.~~

~~(2) A plan of correction shall include the pole number and location, the nature of the violation, what will be done to address the violation, who will address it and when.~~

~~(2) For good cause shown and where equivalent safety can be achieved, unless otherwise prohibited by law, the Commission may, for any specific installation, waive the requirements of OAR 860-024.0012.~~

4. Issue: Cooperation of Electric and Communication Operators on Joint Inspections and Compliance

Citation: OAR 860-024-0011(2)

(2) Each operator of electric supply facilities must:

(a) Designate program areas to be inspected pursuant to subsection (1)(d) of this rule within its service territory. The schedules for the coverage areas for the entire program must be made available in advance and in sufficient detail so that the Commission and all operators with facilities in that service territory may coordinate needed inspection and correction tasks. Unless the parties otherwise agree, operators must be notified of any changes to the established schedule 12 months before the start of the next year's inspection.

(b) Perform routine safety patrols of overhead electric supply lines and accessible facilities for hazards to the public. The maximum interval between safety patrols is two years, with a recommended minimum rate of 50 percent of lines and facilities per year.

(c) Inspect electric supply stations on a monthly schedule.

I. Discussion Regarding Joint Inspections

The OJUA encourages its members to participate in joint inspection/correction ventures whenever possible. However, the practice of sharing costs and resources is not a safety matter, but rather a negotiable business decision between two private parties. While cost-saving incentives drive companies to cooperate in joint

inspection/correction ventures where feasible, reasonable circumstances unrelated to safety matters may prevent pole owners and users from cooperating. The reasons owners and users may choose not to coordinate include the following: scheduling differences, varying inspection cycles, and budgetary differences. Economic incentives are sufficient motivation to encourage operator cooperation.

Finally, the PUC Staff position fails to consider that many communication companies have *already finished* their 10-year cycle of inspections. Requiring these companies to coordinate with a power company's new 10-year plan, will force re-inspection of areas recently inspected. Such a mandate would waste rate-payer dollars and add little or no additional safety value.

III. *OJUA Recommendation*

The OJUA does not believe that mandated electric and communication operator coordination will yield any significant safety value. If parties choose to coordinate inspections, those efforts should be negotiated by the parties involved. Finally, a 45 day schedule for the inspection of electric supply stations better fits the needs electric supply operators. The OJUA recommends the following language be substituted:

(2) Each electric supply operator must:

(a) Designate program areas to be inspected pursuant to subsection (1)(d) of this rule within its service territory. The schedules for the coverage areas for the entire program must be made available in advance and in sufficient detail so that the Commission and all operators with facilities in that service territory may coordinate needed inspection and correction tasks. Operators ~~must~~ should be notified of any changes to the established schedule a minimum of 12 months before the start of next year's inspection, unless mutually agreed upon.

(b) Perform routine safety patrols of overhead electric supply lines and accessible facilities for hazards to the public. The maximum interval between safety patrols is two years, with a recommended minimum rate of 50 percent of lines and facilities per year.

(c) Inspect electric supply stations on a ~~monthly~~ schedule of not more than 45 days.

5. Issue: Duties of Electric Supply and Communication Structure Owners

Citation: OAR 860-024-0014

Duties of Electric Supply and Communication Structure Owners

(1) An owner must establish, maintain, and make available to occupants its joint-use construction standards for attachments to its poles, towers, and for joint space in conduits. Standards for attachment must apply uniformly to attachments by all operators, including the owner.

(2) An owner must establish and maintain protocols for communications between the owner and its occupants.

(3) An owner must maintain its facilities in compliance with Commission Safety Rules for occupants.

(a) Occupants must promptly inform the owner of observed safety violations of the owner and any other occupants.

(b) An owner must promptly respond with a reasonable plan of correction for any violation of the Commission Safety Rules if requested by an occupant.

I. Discussion of Duties of Electric Supply and Communication Structure Owners

This section does not belong in Division 24, since it relates primarily to agreements between pole owners and occupants. It is not directly related to safety. Additionally, since “Duties of Pole Occupants” are outlined in Division 28, placing “Duties of Electric Supply and Communication Structure Owners” in Division 28 provides consistency throughout the rules.

II. OJUA Recommendation

The OJUA recommends that this entire section be moved to Division 28:

~~**Duties of Electric Supply and Communication Structure Owners**~~

~~**(1) Where necessary and appropriate, an owner may supplement the Commission Safety Rules with additional reasonable safety and construction standards.**~~

~~**(2) An owner must establish, maintain, and make available to occupants its joint use construction standards for attachments to its poles, towers, and for joint space in conduits. Standards for attachment must apply uniformly to attachments by all operators, including the owner.**~~

~~**(3) An owner must establish and maintain protocols for communications between the owner and its occupants.**~~

6. Issue: Duties of Structure Owners to Set Communication Standards, Determine Communication Protocols and Oversee Safety Compliance

Citation: OAR 860-024-0014(3)

(3) An owner must maintain its facilities in compliance with Commission Safety Rules for occupants.

(a) Occupants must promptly inform the owner of observed safety violations of the owner and any other occupants.

(b) An owner must promptly respond with a reasonable plan of correction for any violation of the Commission Safety Rules if requested by an occupant.

I. Discussion of Duties of Structure Owners to Set Communications Standards

The duties of structure owners to set communication standards and determine communication protocols are not safety issues, but rather coordination and contract issues.

II. Recommendation

The OJUA recommends that this section be moved to Division 28 and modified as follows:

860-028-0115

Duties of Pole Owner

Duties of Electric Supply and Communication Structure Owners

- (1) Where necessary and appropriate, an owner may supplement the NESC Standards with additional, reasonable safety and construction standards.
- (2) An owner must establish, maintain, and make available to occupants its joint-use construction standards for attachments to its poles, towers, and for joint space in conduits. Standards for attachment must apply uniformly to attachments by all operators, including the owner.
- (3) An owner must establish and maintain protocols for communications between the owner and its occupants.

7. Issue: Vegetation Management

Citation: OAR 860-024-0016

(1) For purposes of this rule:

(a) "Interfere" or "interference" means any flow of electricity from the conductor to the vegetation through direct contact or arcing, or any abrasion to conductor, equipment, or vegetation caused by contact.

(b) "Readily climbable" means having sufficient handholds and footholds to permit a child or an average person to easily climb without using a ladder or other temporarily-placed equipment.

(c) "Vegetation" means trees, shrubs, and any other woody plants.

(d) "Volts" means nominal voltage levels, measured phase-to-phase.

(2) The requirements in this rule provide the minimum standards for conductor clearances from vegetation to provide safety for the public and utility workers, reasonable service continuity, and fire prevention. Each operator of electric supply facilities must have a vegetation management program and keep appropriate records to ensure that timely trimming is accomplished to keep the designated minimum clearances. These records must be made available to the Commission upon request.

(3) Each operator of electric supply facilities must trim or remove vegetation away from electric supply conductors that may cause interference under reasonably anticipated conditions.

(4) Each operator of electric supply facilities must trim or remove readily climbable vegetation to minimize the likelihood of direct or indirect access to a high voltage conductor by a member of the public or any unauthorized person.

(5) Under reasonably anticipated operational conditions, an operator of electric supply facilities must maintain the following minimum clearances of vegetation from conductors:

(a) Ten feet for conductors energized above 50,000 volts; or

(b) Five feet for conductors energized at 600 through 50,000 volts, except clearances may be reduced to three feet if the vegetation is not readily climbable.

(c) Infrequent intrusion of small new vegetation growth into these minimum clearance areas is acceptable provided the vegetation does not cause interference with a conductor.

(6) For conductors energized below 600 volts, an operator of electric supply facilities must trim vegetation to prevent it from causing strain or abrasion on electric conductors. Where trimming or removal of vegetation is not practical, the operator of electric supply facilities must install suitable material or devices to avoid insulation damage by abrasion.

(7) In determining the extent of trimming required to maintain the clearances required in section (5) of this rule, the operator of electric supply facilities must consider at minimum these factors for each conductor:

(a) Voltage;

(b) Location;

(c) Configuration;

(d) Sag of conductors at elevated temperatures and under wind and ice loading; and

(e) Growth habit, strength, and health of vegetation growing adjacent to the conductor, with the combined movement of the vegetation, supporting structures, and conductors under adverse weather conditions.

(8) Each operator of communication facilities must trim or remove vegetation that poses a risk to their facilities. Risk to facilities includes, but is not limited to, deflection of cables, wires, or messengers, or those contacts which cause damage to facilities.

I. Discussion Regarding Vegetation Clearance

The OJUA appreciates the need for vegetation clearance requirements. OJUA proposed language insures safety, but avoids placing an undue burden on pole owners and users. There is already ample guidance for tree trimming, including: the American National Standard for Tree Care Operations, the NESC, and the American National Standards Institute (ANSI) as referenced in OAR 860-024-0017.

The PUC proposal improperly extends past these standards by mandating *who* should be responsible for tree trimming. While reasonable safety regulations are properly within the authority of the PUC, the issue of *who* does the trimming (as long as that individual is properly qualified) is a not a safety matter. It is a matter of negotiation and contract between pole owners and pole renters, based on a variety of factors, including whether the trimming is included as part of the “make ready” process.

The proposed rules also fail to properly define two terms: the definition of "interference" should be made clear and the term "infrequent" should be defined. This is a serious flaw that may have unintended consequences to street trees and urban forests. Lastly, the OJUA proposed language offers a more succinct definition of the term “readily climbable”.

II. OJUA Recommendation

The OJUA respectfully recommends the below proposed revisions to OAR 860-024-0016 be adopted.

Vegetation Clearance Requirements

(1) For purposes of this rule section:

~~(a) “Interfere” or “interference” means any flow of electricity from the conductor to the vegetation through direct contact or arcing, or any abrasion to conductor, equipment, or vegetation caused by contact.~~

~~(ba) “Readily climbable” means vegetation having sufficient handholds and footholds to permit an average person to climb easily without using a ladder or other temporarily-placed equipment having both of the following characteristics:~~

~~(1) a low limbs, accessible from the ground and sufficiently close together so that a tree can easily be climbed by a child or average person without using a ladder or other special equipment;~~

~~(2) a main stem or major branch that would support a child or average person either within arms reach of an uninsulated energized electric line or within such promimity to the electric line that the climber could be injured by direct or indirect contact with the line.~~

~~(eb)~~ “Vegetation” means trees, shrubs, and any other woody plants.

~~(ec)~~ “Volts” means nominal voltage levels, measured phase-to-phase.

(2) The requirements in this rule provide the minimum standards for conductor clearances from vegetation to provide safety for the public and utility workers, reasonable service continuity, and fire prevention. Each electric supply operator must have a vegetation management program and keep appropriate records to ensure that timely trimming is accomplished to keep the designated minimum clearances. These records must be made available to the Commission upon request.

~~(3) Each eElectric sSupply eOperator must trim or remove vegetation away from electric supply conductorlines that may cause interference damage electric supply lines under reasonably anticipated conditions.~~

(4) Each electric supply operator must trim or remove readily climbable vegetation to minimize the likelihood of direct or indirect access to a high voltage conductor by a member of the public or any unauthorized person.

(5) Under reasonably anticipated operational conditions, an electric supply operator must maintain the following minimum clearances of vegetation from conductors:

(a) Ten feet for conductors energized above 50,000 volts.

(b) Five feet for conductors energized at 600 through 50,000 volts, except clearances may be reduced to three feet if the vegetation is not readily climbable.

(c) Infrequent intrusion of small new vegetation growth into these minimum clearance areas is acceptable. ~~In no case is it acceptable for vegetation to cause interference with a conductor.~~

(6) For conductors energized below 600 volts, an electric supply operator must trim vegetation to prevent it from causing strain or abrasion on electric conductors. Where trimming or removal of vegetation is not practical, the electric supply operator must install suitable material or devices to avoid insulation damage by abrasion.

(7) In determining the extent of trimming required to maintain the clearances required in section (5) of this rule, the electric supply operator must consider at minimum these factors for each conductor:

(a) Voltage;

(b) Location;

(c) Configuration;

(d) Sag of conductors at elevated temperatures and under wind and ice loading; and

(e) Growth habit, strength, and health of vegetation growing adjacent to the conductor, with the combined movement of the vegetation, supporting structures, and conductors under adverse weather conditions.

~~(8) Each communication operator must trim or remove vegetation that poses a risk to their facilities. Risk to facilities includes, but is not limited to, deflection of cables, wires, or messengers, or those contacts which cause damage to facilities.~~

8. Issue: Communication Operator Tree Trimming

Citation: OAR 860-024-0016(8)

(8) Each operator of communication facilities must trim or remove vegetation that poses a risk to their facilities. Risk to facilities includes, but is not limited to, deflection of cables, wires, or messengers, or those contacts which cause damage to facilities.

Discussion of Communication Operator Tree Trimming

The OJUA proposed language deletes the requirement for communication operators to trim or remove vegetation that poses a risk to their facilities. Unlike power lines, communication lines are insulated and carry little or no voltage. The issue, therefore, is not a safety matter, but rather a negotiable contract matter between pole owners and users.

The proposed rule is also subject to the previous PUC Staff proposal in the above Item 7 which fails to properly define two terms: "interference" and "infrequent". As applied to this newly created communication operator tree trimming requirement, these are serious flaws that may have unintended, damaging consequences to street trees and urban forests. The OJUA advises that this regulation, if adopted unamended, would have a severe impact on the Oregon's urban landscape. Lastly, the definition of "readily climbable" must be more succinct to prevent needlessly damaging street trees. The OJUA proposed language offers a better definition of "readily climbable."

II. OJUA Recommendation

The OJUA recommends that its proposed revisions to OAR 860-024-0016(8) be deleted.

~~(8) Each communication operator must trim or remove vegetation that poses a risk to their facilities. Risk to facilities includes, but is not limited to, deflection of cables, wires, or messengers, or those contacts which cause damage to facilities.~~

9. Issue: Impact of ORS 758.284

Citation: ORS 758.284 (Attached)

Discussion: ORS 758.284 provides a "safe harbor" from civil liability for electric utilities who prune or remove vegetation: 1) growing on property where electric facilities are located; or 2) growing on property adjacent to property where electric facilities are located. This safe harbor applies if the pruning or removal is consistent with policies of the PUC. However, no such "safe harbor" is granted to public entities who provide electric services and regularly remove vegetation, such as municipal entities or public utility districts.

Recommendation: It is proper and fair that public providers of electric services be afforded the same relief from civil liability as private providers.

10. Issue: Cost Benefit/Justification of Implementation of Rules Which Regulate Beyond NESC Standards

Citation: (Entire Division)

I. Discussion of Cost Benefit/Justification

The OJUA proposes that, in order to provide equity to ratepayers and improve the PUC rulemaking process, cost effectiveness must be a factor in the promulgation of

any regulatory action by the PUC. The PUC and the industry must work together to strike a reasonable balance between budgetary realities and regulation.

II. OJUA Recommendation

The OJUA recommends that the PUC be directed to adopt a documented approach to rule promulgation and enforcement activity, including, but not limited to, the development of realistic, factually-supported fiscal impact statements. Such fiscal impact statements must include cost-benefit information provided by the industry and must clearly illustrate the cost impact of proposed regulatory actions on the industry and rate payers.

11. Issue: Wordsmith Definitions

(Citation: Entire Division 24): The OJUA respectfully proposes the following amendments to *all* PUC Staff Proposed Division 24 Rules in the AR 506 Docket: Strike all references to “Commission Safety Rules” and replace with the term “National Electrical Safety Code (“NESC”) Standards”

I. Discussion of Drafting Techniques and the Need for One Clear Set of Standards

The express adoption of the “Commission Safety Rules” into formal Oregon administrative rules presents several interpretational problems. The OJUA understands that it is PUC Staff’s intent to codify the NESC Standards, interpreting or strengthening them where needed, into Oregon Administrative Rule. OJUA agrees with this intent. However, the proposed rules as drafted fail to accomplish this. Instead the proposed rules use entirely *new* language and terms. They do not expressly adopt NESC standards, nor do they direct the reader to the provisions in which the administrative rules deviate from the NESC standards. Instead, they use completely new language and new terms to adopt the “Commission Safety Rules” into administrative law. This leaves industry with two standards: the statutory mandate to follow the NESC and the new administrative law mandate to follow the “Commission Safety Rules.” This drafting technique is confusing and may unintentionally create two entirely different sets of standards.

The inadvertent effect of the proposed rules, as drafted, would be to obligate operators to provide training, training materials, arrange work schedules, and purchase safety equipment under *two separate sets of regulatory rules*: the NESC and the “Commission Safety Rules” as adopted by Oregon Administrative Rule. This would be confusing, costly, and would provide no additional safety benefit.

Additionally, PUC Staff has proposed the incorporation of several staff policies into this rulemaking (See attached EXHIBIT C for the Staff Policies). This possibly creates yet a third layer or subset of regulation which may or may not conflict with both the NESC Standards and the proposed rules. OJUA would oppose the blanket

adoption of PUC Safety Policies into administrative rule without further discussion of the areas in which the PUC Safety Policies may differ from either the NESC Standards or the proposed rules.

II. Discussion of the NESC Standards as Appropriate and Effective

Oregon has already taken the proper steps to expressly adopt the highly-regarded NESC Standards into our statutory scheme (*See ORS 757.035 (2) which adopts the NESC Standards*). The NESC is created by the consensus of over 45 nationally-recognized experts representing every segment of the utility and communications industry, including state government. The NESC is nationally-recognized as “the bible for developing power and communication utility standards.” (*Quote from the National Electric Safety Code Handbook, McGraw-Hill Publisher, 2002, page xiv. Author and noted industry expert, David J. Marne.*)

All states follow the NESC Standards as general guidelines, however, to the best of OJUA collective knowledge, only a handful of states have gone to the lengths of expressly adopting into statute the NESC Standards. The OJUA agrees with this fair, responsible, and safety-centered approach and proposes that Oregon continue to use the NESC as its threshold standard.

III. OJUA Proposal

The adoption into administrative rule of the “Commission Safety Rules” (rather than a clear, express adoption of NESC language with clarifying or strengthening rulemaking where needed), paired with the incorporation of PUC Staff policies, inadvertently creates a confusing system of regulation which will likely lead to otherwise avoidable litigation. The OJUA proposes the express adoption of NESC Standards, using PUC rulemaking authority to clarify or strengthen the NESC Standards where needed and explicitly noting when the adopted rule deviates from the NESC Standards.

We respectfully propose the following: 1) replace the term “Commission Safety Rules” with the term “NESC Standards” in all AR 506 proposed rules; and 2) direct PUC Staff to either strike the Staff policies from the rulemaking process or draft Staff Policies into formal proposed rules, using the NESC as the applicable regulation and using PUC rulemaking authority only where clarifying or strengthening NESC Standards is needed.

Citation: OAR 860-024-0001

Definitions for Commission Safety StandardsRules

For purposes of this Division, except when a different scope is explicitly stated:

(1) “Commission Safety Rules” mean the rules included in OAR Chapter 860, Division 024.

(24) “Facility” means any of the following lines or pipelines including associated plant, systems, rights-of-way, supporting and containing structures, equipment, apparatus, or appurtenances:

(a) A gas pipeline subject to ORS 757.039; ~~or~~

(b) A power line or electric supply line subject to ORS 757.035; or

(c) A telegraph, telephone, signal, or communication line subject to ORS 757.035.

(32) “Government entity” means a city, a county, a municipality, the state, or other political subdivision within Oregon.

(4) “Occupant” means any operator that constructs, operates, or maintains attachments on facilities.

(53) “Operator” means every person as defined in ORS 756.010, public utility as defined in ORS 757.005, electricity service supplier as defined in OAR 860-038-0005, telecommunications utility as defined in ORS 759.005, telecommunications carrier as defined in ORS 759.400, telecommunications provider as defined in OAR 860-032-0001~~(10)~~, consumer-owned utility as defined in ORS 757.270, cable operator as defined in ORS 30.192, association, cooperative, or government entity and their agents, lessees, or acting trustees or receivers, appointed by court, engaged in the management, operation, ownership, or control of any facility within Oregon.

(6) “Owner” means an operator that owns or controls facilities.

(7) “Pattern of noncompliance” means a course of behavior that results in frequent violations of the Commission Safety Rules.

(84) “Reporting Operator” means an operator that:

(a) Serves 20 customers or more within Oregon; or

(b) Is an electricity service supplier as defined in OAR 860-038-0005 and serves more than one retail electricity customer.

I. Discussion: The OJUA has not developed a unanimous opinion on this proposal and will submit comments at a later date.

12. Issue: Inclusion of the Word “Compliance”

Citation: OAR 860-024-0011

Inspections and Compliance of Electric Supply and Communication Facilities

(1) An operator of electric supply facilities or an operator of communication facilities must:

(a) Construct, operate, and maintain its facilities in compliance with the Commission Safety Rules.

(b) Train its employees in the Commission Safety Rules necessary for the covered tasks.

- (c) Require contractors to provide evidence of training for their employees in the Commission Safety Rules necessary for the covered tasks.**
- (d) Conduct detailed inspections of its overhead facilities to identify violations of the Commission Safety Rules. The maximum interval between detailed inspections is ten years, with a recommended minimum inspection rate of 10 percent of overhead facilities per year. This inspection must cover the area designated in subsection (2)(a) of this rule by the operator of electric supply facilities each year. Operators of communication facilities are required to inspect the same area designated by the operators of the electric supply facilities during the same time period. Detailed inspections include, but are not limited to, visual checks and practical tests of all facilities, to the extent required to identify violations of Commission Safety Rules. Where facilities are exposed to extraordinary conditions or when an operator has demonstrated a pattern of noncompliance with Commission Safety Rules, the Commission may require a shorter interval between inspections.**
- (e) Conduct detailed facility inspections of its underground facilities on a ten-year maximum cycle, with a recommended minimum inspection rate of 10 percent of underground facilities per year.**
- (f) Maintain adequate written records of policies, plans and schedules to show that inspections and corrections are being carried out in compliance with this rule and OAR 860-024-0012. Operators must make these records available to the Commission upon its request.**
- (2) Each operator of electric supply facilities must:**
- (a) Designate program areas to be inspected pursuant to subsection (1)(d) of this rule within its service territory. The schedules for the coverage areas for the entire program must be made available in advance and in sufficient detail so that the Commission and all operators with facilities in that service territory may coordinate needed inspection and correction tasks. Unless the parties otherwise agree, operators must be notified of any changes to the established schedule 12 months before the start of the next year's inspection.**
- (b) Perform routine safety patrols of overhead electric supply lines and accessible facilities for hazards to the public. The maximum interval between safety patrols is two years, with a recommended minimum rate of 50 percent of lines and facilities per year.**
- (c) Inspect electric supply stations on a monthly schedule.**

I. Discussion

The PUC's proposed heading for OAR 860-024-0011 is as follows: "Inspections and Compliance of Electric Supply and Communication Facilities." The Association agrees with Verizon's statement that "the NESC contains appropriate and sufficient standards for operator behavior in Oregon."

II. OJUA Recommendation

The OJUA recommends deletion of the word "compliance" from the title of section 11.

Inspections ~~and Compliance~~ of Electric Supply and Communication Facilities

(1) Each electric supply and communication operator must:

(a) Construct, operate, and maintain its facilities in compliance with the rules contained in the ~~Commission Safety Rules~~ National Electrical Safety Code.

~~(b) Train its employees in the Commission Safety Rules necessary for the covered tasks.~~

~~(c) Require contractors to provide evidence of training for their employees in the Commission Safety Rules necessary for the covered tasks.~~

~~(d) Conduct detailed inspections of its overhead facilities to identify violations of the Commission Safety Rules National Electrical Safety Code. The maximum interval between detailed inspections is ten years, with a recommended minimum rate of 10 percent per year. This inspection ~~must~~ should cover the area designated by the electric supply operator each year. Detailed inspections include, but are not limited to, visual checks and practical tests of all facilities, to the extent required to identify violations of Commission Safety Rules National Electrical Safety Code. When an operator has demonstrated a pattern of noncompliance with Commission Safety Rules National Electrical Safety Code, the Commission may require a shorter interval between inspections. Facilities exposed to extraordinary conditions may require more frequent detailed inspections.~~

~~(e) Conduct detailed facility inspections and corrections of its underground facilities on a ten-year maximum cycle, with a recommended minimum rate of 10 percent per year.~~

~~(f) Maintain adequate written records of policies, plans and schedules to show that inspections are being carried out in compliance with this rule and OAR 860-024-0012. The electric supply operator or communication operator ~~must~~ submit make these records available to the Commission upon its request.~~

~~(2) Each electric supply operator must:~~

~~(a) Designate program areas to be inspected pursuant to subsection (1)(d) of this rule within its service territory. The schedules for the coverage areas for the entire program must be made available in advance and in sufficient detail so that the Commission and all operators with facilities in that service territory may coordinate needed inspection and correction tasks. Operators ~~must~~ should be notified of any changes to the established schedule a minimum of 12 months before the start of next year's inspection, unless mutually agreed upon.~~

~~(b) Perform routine safety patrols of overhead electric supply lines and accessible facilities for hazards to the public. The maximum interval between safety patrols is two years, with a recommended minimum rate of 50 percent of lines and facilities per year.~~

~~(c) Inspect electric supply stations on a monthly schedule of not more than 45 days.~~

13. Issue: Generic Waivers

Citation: OAR 860-024-0012

Prioritization of Repairs by Operators of Electric Supply Facilities and Operators of Communication Facilities

(1) A facility with a violation of the Commission Safety Rules that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the operator immediately after discovery.

(2) Except as otherwise provided by this rule, the operator must correct violations of Commission Safety Rules no later than two years after discovery.

(3) An operator may elect to defer for a third year corrections of no more than 5 percent of violations identified during the operator's detailed facility inspection each year. Violations qualifying for deferral under this section cannot reasonably be expected to endanger life or property. The operator must develop a plan detailing how it will remedy each such deferral. If more than one operator is affected by the deferral, all affected operators must agree to the plan or the violation(s) may not be a part of the third year deferral.

(4) For good cause shown and where equivalent safety can be achieved, unless otherwise prohibited by law, the Commission may for a specific installation waive the requirements of OAR 860-024-0012.

I. Discussion of Waivers

The OJUA feels strongly that provisions should exist for waiving a correction when there is unequivocally no danger to life or property, and affected parties are in agreement that corrective measures should be waived. For example, in the event a fire hydrant is placed less than four feet from a utility pole, and the City Fire Marshal agrees that the pole does not interfere with hook-up to the hydrant, a process for application of a waiver should exist.

II OJUA Recommendation

The OJUA recommends that a waiver provision be adopted.

14. Issue: Application of Accident Reports

Citation: OAR 860-024-0050

Accident~~Incident~~ Reports

(1) As used in this rule:

(a) "Serious injury to person" means, in the case of an employee, an injury which results in hospitalization. In the case of a non-employee, "serious injury" means any contact with an energized high-voltage line, or any **accident~~incident~~** which results in hospitalization. Treatment in an emergency room is not hospitalization.

(b) "Serious injury to property" means:

(A) Damage to operator and non-operator property exceeding ~~\$25,000~~**100,000**; or

(B) In the case of a gas operator, damage to property exceeding \$5,000; or

(C) In the case of an electricity service supplier (ESS) as defined in OAR 860-038-0005, damage to ESS and non-ESS property exceeding ~~\$25,000~~**100,000** or failure of ESS facilities that causes or contributes to a loss of energy to consumers; or

(D) Damage to property which causes a loss of service to over 500 customers (50 customers in the case of a gas operator) for over two hours (five hours for an electric operator serving less than 15,000 customers) except for electric service loss that is restricted to a single feeder line and results in an outage of less than four hours.

(2) Except as provided in section (5) of this rule, every reporting operator ~~shall~~**must** give immediate notice by telephone, by facsimile, by electronic mail, or personally to the Commission, of **accident~~incidents~~** attended by loss of life or limb, or serious injury to person or property, occurring in Oregon upon the premises of or directly or indirectly arising from or connected with the maintenance or operation of a facility.

(3) Except as provided in section (5) of this rule, every reporting operator ~~shall~~**must**, in addition to the notice given in section (2) of this rule for an **accident~~incident~~** described in section (2), report in writing to the Commission within 20 days of the occurrence. In the case of injuries to employees, a copy of the **accident~~incident~~** report form that is submitted to Oregon OSHA, Department of Consumer and Business Services, for reporting **accident~~incident~~** injuries,

will normally suffice for a written report. In the case of a gas operator, copies of **accidentincident** or leak reports submitted under 49 CFR Part 191 will normally suffice.

(4) An **accidentincident** report filed by a public or telecommunications utility in accordance with ORS 654.715 cannot be used as evidence in any action for damages in any suit or action arising out of any matter mentioned in the report.

(5) A Peoples Utility District (PUD) is exempt from this rule if the PUD agrees, by signing an agreement, to comply voluntarily with the filing requirements set forth in (2) and (3).

(6) Gas operators have additional incident and condition reporting requirements set forth in OARs 860-024-0020 and 860-024-0021.

I. Discussion: The OJUA has not developed a unanimous opinion on this proposal and will submit comments at a later date.

Issue 15: Liability Parity Between Investor-Owned Utilities and Publicly-Owned Utilities

I. Discussion of Liability

OJUA expresses its concern that there is statutory relief from liability for the investor-owned utilities, but none for publicly owned utilities. OJUA realizes that this disparity exists in statute, rather than rule and would therefore require a legislative remedy.

II. OJUA Recommendation

The OJUA recommends that this PUC Staff and OJUA work cooperatively to pass legislation to promote liability parity between investor-owned utilities and publicly-owned utilities.

**Oregon Joint Use Association
2006 Board of Directors**

<p>John Sullivan, Chair <i>Large Utility Representative</i> Portland General Electric 121 SW Salmon Portland, OR 97002 Phone 503-672-5569 Fax 503-672-555 john.sullivan@pgn.com</p> <p style="text-align: right;"><i>Term expires 2006</i></p>	<p>Len Goodwin, Director <i>Small Municipal Representative</i> City of Springfield 225 Fifth Street Springfield, OR 97477 Phone 541-726-3685 Fax 541-736-1021 lgoodwin@ci.springfield.or.us</p> <p style="text-align: right;"><i>Term expires 2007</i></p>	<p>Jim Marquis, Director <i>Large Utility Representative</i> PacifiCorp 830 Old Salem Road Albany, OR 97321 Phone 541-967-6174 Fax 541-967-6155 Jim.marquis@pacificorp.com</p> <p style="text-align: right;"><i>Term expires 2007</i></p>
<p>Jeff Kent, Vice Chair <i>Large Telephone Representative</i> Qwest 8021 SW Capitol Hill Rd, Rm 180 Portland, OR 97212 Phone 503-242-2699 Cell 503-307-5243 Fax 503-245-7880 jeffrey.kent@qwest.com</p> <p style="text-align: right;"><i>Term expires 2008</i></p>	<p>Bill Kiggins, Director <i>Cooperative Representative</i> Clear Creek Telephone & Television 18238 South Fischers Mill Rd Oregon City, OR 97045 Phone 503-631-2101 Fax 503-631-2098 bkiggins@clearcreek.coop</p> <p style="text-align: right;"><i>Term expires 2006</i></p>	<p>Dave Wildman, Director <i>Small Municipal Representative</i> Monmouth Power and Light 401 North Hogan Road Monmouth, OR 97361 Phone 503-838-3526 Cell 503-838-0201 dwildman@ci.monmouth.or.us</p> <p style="text-align: right;"><i>Term expires 2006</i></p>
<p>Richard Gray, Treasurer <i>Large Municipal Representative</i> Portland Office of Transportation 1120 SW 5th, Rm 80 Portland, OR 97204 Phone 503-823-5250 Fax 503-279-3953 richard.gray@pdxtrans.org</p> <p style="text-align: right;"><i>Term expires 2008</i></p>	<p>Roger Kuhlman, Director <i>Cooperative Representative</i> Salem Electric PO Box 5588 Salem, OR 97304-0055 Phone 503-362-3601 Fax 503-371-2956 kuhlman@salemelectric.com</p> <p style="text-align: right;"><i>Term expires 2007</i></p>	<p>Craig Andrus <i>PUD Representative</i> Emerald People's Utility District 33733 Seavey Loop Road Eugene OR 97405-9614 Phone 541-744-7422 Cell 541-228-6333 craig.andrus@epud.org</p> <p style="text-align: right;"><i>Term expires 2008</i></p>
<p>Bill Woods, Immediate Past Chair <i>Cable Representative</i> Comcast 9605 SW Nimbus Avenue Portland, OR 97230 Phone 503-605-6142 Cell 503-519-5805 Nextel 3999 Fax 503-605-6246 william_woods@cable.comcast.com</p> <p style="text-align: right;"><i>Term expires 2006</i></p>	<p>Gary J. Lee, Director <i>Cable Representative</i> Charter Communications 521 NE 136th Avenue Vancouver, WA 98684 Phone 360-828-6634 Cell 971-222-4944 glee@chartercom.com</p> <p style="text-align: right;"><i>Term expires 2007</i></p>	<p>Steve Lindsay <i>ILEC Representative</i> Verizon West Region 1800 41st Street Everett, WA 98201 MAIL CODE WA0103NP Phone 425-261-6545 steve.lindsay@verizon.com</p> <p style="text-align: right;"><i>Term expires 2008</i></p>



**Inspection/Correction Committee
Final Report**

September 16 2004

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INTRODUCTION

Oregon law requires every public utility to furnish “adequate and safe service at reasonable rates” and that any charges assessed in connection with providing that service be “reasonable and just.” (ORS 757.020) In order to keep costs in check for customers, it is important for service providers to make the best use of their resources. However, utility pole owners and users have experienced frustration at the rising costs of regulatory compliance manifested, in part, in the cost of multiple inspection programs.

Following passage of HB 2271 in the 1999 legislature and the ensuing formation of the Oregon Joint Use Association (OJUA), member companies began to recognize and discuss the possibility of the industry coming together to coordinate a plan for a statewide inspection program in which companies would share in inspection costs. The concept posed many questions, not the least of which was whether companies could trust each other to conduct the inspections and allocate costs fairly and equitably. OPUC staff indicated that if the industry was successful in creating a workable plan, such a plan could be submitted to the OPUC for possible adoption as an administrative rule.

The concept of a joint inspection program was further spurred during the 2003 legislative session when SB 784 was introduced by the Oregon Cable Telecommunications Association (OCTA) as a means of initiating policy discussions relating to recovery of certain costs for pole renters. The OJUA Executive Committee discussed the issues that had prompted SB 784, such as the need for a policy to resolve equity issues for pole users to recover costs for inspection report errors. The bill did not pass, but served to further the discussions regarding the possibility of joint inspections.

On April 9 of that same year, 2003 OJUA Chair Kuhlman announced the formation of a new committee to review compliance issues and the “NESC Inspection/Correction Committee” was formed. Kuhlman provided an overview of the purpose of the Committee: providing examples of different types of violations, including varying degrees of hazards and varying costs to repair, as well as such obstacles as difficulty in identification of pole and/or facility ownership. His intent was for the Committee to study and make recommendations on how companies could best manage their resources and work together to form action plans or standards to address both inspections and repairs.

The preliminary report was distributed in June 2004 for comments and feedback. This report reflects those comments, including those of the OPUC staff.

COMMITTEE PROCESS AND STRUCTURE

The Committee was originally chaired by Mike Matney of Qwest and upon his retirement, those duties were assumed by Mark Oberle of EWEB. In order to manage the various tasks of the Committee and produce a work product in a timely manner, the Committee was divided into five subcommittees and assigned specific tasks. The tasks were identified as follows:

1. Develop standardized inspection forms for all three types of inspections including:
 - a. new construction
 - b. drive-by (safety)
 - c. detailed
2. Develop a statewide detailed inspection plan
3. Address prioritization of repairs and corrections
4. Address communication of inspection-correction information to the appropriate parties
5. Address allocation of correction and inspection costs

Each subcommittee included representative members of power, cable and telecommunications industries:

Subcommittee 1: Inspection Forms

Gary Lee, Charter Communications, Chair
Dennis Desmarais, Portland General Electric
Tamara Johnson, Springfield Utility Board
Gary Payne, Qwest

Subcommittee 4: Communications

Dennis Desmarais, PGE, Chair
Tamara Johnson, Springfield Utility Board
Reed Hjort, Comcast
Mark Beaudry, Beaver Creek Cooperative

Subcommittee 2: Detailed Inspection Plan

Roger Kuhlman, Salem Electric, Chair
Mark Oberle, EWEB
Reed Hjort, Comcast
Mark Beaudry, Beaver Creek Cooperative
Patti Lama, PGE

Subcommittee 5: Cost Allocation

Stan Cowles, Qwest, Chair
Mark Oberle, EWEB
Mike Wilson, Central Lincoln PUD
Jim Watkins, Charter Communications

Subcommittee 3: Prioritization of Repairs

Roger Kuhlman, Salem Electric, Chair
Greg Crampton, EWEB
Reed Hjort, Comcast
Tom FitzGerald, Qwest
Bill Kiggins, Clear Creek

Committee members felt that a one-year time frame for reporting back to the OJUA was realistic and reasonable. They also agreed to pass the task of recommending a statewide uniform pole numbering or pole identification process to the OJUA Standards Committee.

SUBCOMMITTEE REPORTS

Subcommittee 1: Inspection Forms

The Subcommittee was charged with creating a standardized inspection form in an effort to streamline the inspection process and promote better communication and coordination between joint pole entities.

Discussion

Currently, many different utilities produce inspection results that require the entity notified to perform a repair of some type. However, the results are so widely varied that it often takes a great deal of time to determine the violation, location, and other essential information.

The Subcommittee focused on creating a tool that would provide for ease of use in the field while remaining compatible with common applications currently in use. One of the challenges of developing a standardized form was that each company and each industry uses its own jargon, designation, and abbreviation. Not only, for example, do power company reports vary from company to company (with some companies using forms recommended or mandated by out-of-state corporate entities), but power, telecom, and cable companies are not always familiar with each other's equipment. Finding commonalities and producing a form that could be used across industry lines proved to be challenging.

Recommendation

The Subcommittee produced and distributed several drafts before adopting a final work product that encompasses all aspects of the different inspection regiments. That product, which is attached to this report, is currently being used in the field by Qwest and others with favorable results. The next step is to transfer the form to a PDA format for electronic use in the field. The Subcommittee hopes the form will be utilized by many groups when notifying others of inspection results.

Subcommittee 2: Detailed Inspection Plan

The Subcommittee was charged with developing a plan for statewide coordination of detailed inspection by facility operators.

Discussion

According to the National Electrical Safety Code 214 (A2), "All Lines and equipment shall be inspected at such intervals as experience has shown to be necessary." Most facility operators are using a 10-year cycle, with approximately 1/10th of their system being inspected annually. Cost savings could be realized if facility operators in the same area work together to perform joint inspections. Development of a statewide inspection plan would enable operators to plan ahead to develop budgets and allocations of resources to provide cost-effective results.

Some of the biggest challenges to development of this plan include developing a database of all operators and their service areas; determining facility ownership; developing a plan that would not cause any operator to be out of compliance with the NESC, OPUC, or contracts; and designing a plan that would have minimal financial impact to any operator. Addressing these challenges will take time and the plan may undergo significant changes before it can be put into effect.

Recommendation

As a starting point, the Subcommittee suggests a graphic information system database (GIS) be established utilizing electric utility certified service areas. The electric utilities would be asked to provide a map of their service area indicating the areas they plan to inspect each year. This map could then be made available to all facility operators and used as a tool in helping to determine their plans if they are interested in joint inspection. At some point in the future, all facility operators could be asked to provide their plan on a service area map that could be added as a map "layer." The Oregon Geospatial Enterprise Office (www.gis.state.or.us) may be the place to build and maintain this system.

Subcommittee 3: Prioritization of Repairs

The Subcommittee was charged with developing a plan for prioritizing and identifying timelines for the repair of NESC violations. This plan would be used by pole owners and pole users to develop “plans of correction.”

Discussion

All owners and users of poles in the State of Oregon must install and maintain their facilities in compliance with the National Electrical Safety Code. Due to the increased activity in joint use construction over the past several years, many facilities have been installed or modified and are in noncompliance with the NESC.

Based on discussion with utility operators, it has been estimated that one-half of all joint use poles in the metropolitan areas of the State are in violation of some part of the NESC. If you assume there are approximately 2 million poles in the state and half of those are in metropolitan areas, there could be as many as one-half a million poles with violations statewide. In spite of this large number of violations, there have been very few if any recorded injuries to members of the public or utility workers due to these joint use violations.

Assuming one electric and two communication utilities operators on each joint use pole, the committee has estimated the cost of correction at \$330 per pole. Based on this estimate, it will cost \$165,000,000 to correct the violations on 500,000 poles. **This is in addition to the several millions of dollars that is already being spent on maintenance of utility systems.** (The \$330 estimate is based on utility operator’s costs of \$160 for electric and \$85 for communication).

A plan must be developed to manage this expense to ensure facilities are safe; rate payers are not adversely impacted. The plan should require pole owners and users to correct NESC violations based on a prioritized process.

The committee has developed a priority classification for the NESC violations:

- A. High hazard requiring immediate response
- B. Violation with potential hazard requiring correction no later than the end of the following year
- C. Violation that can **not** reasonably be expected to endanger life or property and can be corrected during next major activity (i.e. pole change out, or rebuild)

Below is a list of items that would fall into these categories:

- A. Broken Crossarm
Broken Pole
Clearance below 14 feet over public road
Tree in primary lines

Broken/missing guy
Exposed underground wires
Damaged anchor

- B. Items that don't fall into A or C
- C. Climbing space violation where pole is accessible by mechanical means.
Fire hydrant less than 3 feet from pole with approval of all effected parties.
Clearance between supply and communication on pole less than 40 inches but greater than 30 inches.
Clearance between communication lines less than 12 inches with approval of all effected parties.
Low clearance at customer's facility due to customer attachment point

All "C" items require the following action:

1. Adequate identification on pole to ensure workers is aware of violation. Use "Proceed with Caution" tag.
2. Record kept by pole owner and users until correction is made.
3. Every effected party is notified.
4. Correction is defined and agreed upon by all effected parties
5. Correction will be made during the next detailed inspection/correction cycle, or any major work is started. Major work is defined as pole replacement, re-conductor, over lash, or a new pole tenant.

The Oregon PUC staff has expressed a concern about using this approach and specifically does not like the use of category "C". According to discussions with the staff, they feel they that any item not corrected within the following year of discovery is not in compliance with NESC rules, creates an additional liability for both the utility and the PUC, creates a very expensive system to keep track of the violation through correction, and worker safety is compromised.

The committee has looked at the PUC's staff concern and feels the suggested plan is adequate. Section 214 of the NESC describes the expectations for Inspection and Tests of Lines and Equipment. In section 4 the code says, "Any defects affecting compliance with this code revealed by inspection or tests, if not promptly corrected, shall be recorded; such records shall be maintained until the defects are corrected." Section 5 says, "Lines and equipment with recorded defects that could **reasonably be expected to endanger life or property** shall be promptly repaired, disconnected, or isolated."

The committee feels that items that fall into category "C" can not reasonably be expected to endanger life or property and by following the suggested action plan, they will not "fall through the crack"; instead they will be identified and scheduled for future repair. With the use of databases and mapping systems, the cost to track these violations is minor. The issue of increased liability can be argued.

The committee would also like to point out that much progress has been made in the past few years regarding NESC compliance issues. The OJUA is a fairly new entity represented by a number of concerned utilities and we expect to continue to prevent, identify and resolve NESC violations in the coming years.

RECOMMENDATION

The committee recommends the OJUA Board adopts the following recommendations:

NESC violations will be classified as A, B, or C.

Category A violations will be repaired as quickly as possible.

Category B violations will be repaired no later than end of the following year.

Category C violations will be repaired during the next detailed facility inspection/correction cycle, during the next major work, or within 90 days of an approved permit application of a new pole tenant. Major work would consist of pole replacement, reconductor, or over lash. All category C violations will be identified in the field and on pole owner and users databases, and the correction will be identified and agreed to by all affected parties. Disagreements between pole owner and tenant as to the classification of the violation should be dealt with by contract. New operator buyer or acquirer shall be made aware by written notification of category C violations and estimated costs.

Subcommittee 4: Communications

The Subcommittee was charged with making recommendations to enhance communication between pole owners and users regarding inspection-correction information.

Discussion

Facility owners are required to conduct periodic inspections of their plant per the National Electric Safety Code (NESC) and the Oregon Public Utility Commission Line Inspection Policy. During these inspections violations of the NESC are identified for the pole owners plant as well as the plant of the licensees on pole. Pole owners need to communicate the violations to the licensees so that the licensee can bring their plant into compliance. The licensees then need to inform the pole owners when the violations are corrected and occasionally request assistance from the pole owner and/or other licensees to correct the violations.

Pole owners and licensees also need to communicate with the OPUC when the violations are identified during OPUC inspections.

Problems and Recommended Solutions

Problem 1: Poles are often not tagged in the field; even when tagged, it still may not be clear as to who owns the pole.

Recommendation: Implement identification standards from the OJUA Standards Committee.

Problem 2: Pole owners and licensees number poles differently so it is often difficult for the licensees to locate the pole owner's pole without pole owner provided maps.

Recommendation: Encourage pole owners and licensees to maintain each other's pole numbers in their databases. Ultimately, it is the licensee's responsibility to be able to locate the poles based on the pole owner's numbers.

Problem 3: There are no standard codes for identifying NESC violations.

Recommendation: Adopt the codes developed by the OJUA Sub-committee on Inspection Forms. If pole owners are not willing to adopt the OJUA standard codes, they should provide a look-up table that allows their codes to be translated to the corresponding OJUA codes.

Problem 4: Once a licensee is at the pole, it is often difficult to locate the identified code violation. For instance, in urban settings there are often

numerous service drops off of each pole. Determining which drop has the problem is often difficult.

Recommendation: The codes developed by the Inspection Forms Subcommittee contain additional fields that should eliminate this problem.

Problem 5: Each utility has different tools it is comfortable with for data storage and retrieval.

Recommendation: All violation information should be provided electronically in a widely available format such as MS Excel or MS Access. The violating company needs to send the information back to the pole owner indicating one of the following:

1. Corrected - the violation has been corrected
2. Not _____ (licensee) - the licensee is not the violating party
3. No Violation - the licensee does not agree that this is a violation
4. Assistance Required - the licensee agrees with the violation but cannot correct it with out assistance from the pole owner or other licensee.
For instance, cable needs power to raise the neutral to clear the violation.

Subcommittee 5: Cost Allocation

The Subcommittee was asked to establish guidelines for cost negotiation associated with the repairs of NESC violations on joint use poles.

In the process of these negotiations, three items are to be considered:

1. Create a safe working environment for line technicians and the public.
2. Maintain a cooperative relationship with joint tenants.
3. Maintain an efficient use of the right-of-way.

Three types of cost-associated elements have been established:

1. Facility Maintenance: The general repairs associated with pole ownership are to be the sole responsibility of the pole owner. Such items shall include but not be limited to:

- A. The replacement of rotten or otherwise deteriorated poles
- B. Broken vertical grounds
- C. Illegible pole tag replacements
- D. Items generally established to be part of the maintenance process

2. Individual Violations: The correction of violations that are associated with one individual tenant shall be incurred solely by that tenant with no cost incurred by other tenants or by the pole owner. These items shall include but not be limited to:

- A. Excessive sag in aerial service wires provided that the sag was not created by the load from another tenant or owner's attachments.
- B. Clearance from the ground
- C. Non-bonded or insulated down guys

3. Joint Violations: The costs associated with mutual violations shall be shared equally with all associated tenants. These items shall include but not be limited to:

- A. Improper clearance between facilities that have been established for a number of years so that no singular responsibility can be established.
- B. Obstructed climbing space that affects all tenants and no singular responsibility can be established.
- C. Replacement of poles where clearance has not been established or has changed due to the change in the surrounding grade, etc.

These elements represent an overall guideline for the allocations of costs. Because of the wide scope, the number of scenarios involved with aerial plan, and its ever changing make-up, it is difficult to pinpoint individual items. Cooperation between pole owners and tenants is a necessary part of the equation when deciding these costs.

CONCLUSION

The OJUA Inspection-Correction Committee completed its tasks in May 2004 and is pleased to submit this report to the OJUA Board of Directors for its consideration. The Committee is confident that the OJUA will take the necessary steps needed to implement the recommendations contained herein.

ATTACHMENT A

Inspection/Correction Form and Supporting Documents

Inspection Form Abbreviation Tables

Base Pole Info (Material)	Code
Douglas fir	DF
Jack Pine	JP
Lodgepole Pine	LP
Red Pine	NP
Southern Pine	SP
Southern Yellow Pine	SYP
Western Red Cedar	WC
Western Larch	WL
Ponderosa Pine	WP
Concrete	CC
Fiberglass	FG
Laminated	LM
Metal/Steel	MS

Attachment Type (Type)	Code
Communication drop	COMD
Communication equipment (other)	CEO
Communication fiber-optic	COFO
Communication main line	COML
Communication messenger	COMM
Conduit	CON
Conduit-metal	MCON
Cross-arm	XARM
Down guy	GUY
Load coil	LOAD
Pedestal	PED
Platform	PF
Pole to pole guy	PPG
Power meter	PM
Power neutral	NEUT

Power primary	PRI
Power secondary	SEC
Power service drop	DROP
Power service support wire	PSSW
Power street light	SLT
Power supply	PS
Power switch	SWCH
Power transformer	XFMR
Private party attachment	PVT
Repeater	REP
Riser	RIS
Signs	SIGN
Stand off brackets	SOB
Supply fiber-optic	SPFO
Terminal	TRM
X-Box	XB

Deviation Code (DEV.)	Code
Abandoned	AB
Building	BD
Building/Horizontal clearance	BH
Building/Vertical clearance	BV
Damaged/Broken	DB
Mid-span/Horizontal clearance	MH
Mid-span/Vertical clearance	MV
Missing	MS
Pole Leaning	PL
Pole/Climbing/working space	PC
Pole/Grounding	PG
Pole/Horizontal clearance	PH
Pole/Marking	PM
Pole/Riser	PR
Pole/Structure	PS
Pole/Vertical clearance	PV
Underground	U

Equipment (EQUIP. 1 & 2)	Code
Anchor	ANC
Anchor (auxiliary)	AANC
Bridge	BR
Communication drop	COMD
Communication equipment (other)	CEO
Communication fiber-optic	COFO
Communication main line	COML
Communication messenger	COMM
Conduit	CON
Conduit-metal	MCON
Cross-arm	XARM
Curb	CURB
Down guy	GUY
Drivable surface	DRSR
Fire hydrant	HYD
Ground rod	GRND
Guy marker	GM
Insulator	INS
Lashing wire	LWR

Load coil	LOAD
MGN	MGN
Padmount equipment	PAD
Pedestal	PED
Pedestrian surface	PEDS
Platform	PF
Pole	POLE
Pole step	STEP
Pole to pole guy	PPG
Power bracket	PBRK
Power capacitor	PCAP
Power Drip-loop	PDLP
Power jumpers	JUMP
Power mast	PMST
Power meter	PMR
Power neutral	NEUT
Power primary	PRI
Power secondary	SEC
Power service drop	PDRP

Equipment (EQUIP. 1 & 2) cont'd	Code
Power service support wire	PSSW
Power street light	SLT
Power supply	PS
Power switch	SWCH
Power transformer	XFMR
Private party attachment	PVT
Railroad	RR
Repeater	REP
Riser	RIS
Roof	ROOF
Sidewalk fixture	SWF

Signs	SIGN
Stand off brackets	SOB
Stencils	STN
Supply fiber-optic	SPFO
Terminal	TRM
Trees/Vegetation	TREE
Inaccessible surface	UNSR
Unusual support	UNSP
Water surface	WSR
Weather head	WH
Window	WIN
X-Box	XB

Action Needed
Attach
Attach mid-span
Ground/Bond
Guard
Lengthen
Lower
Lower CATV
Lower Fiber
Lower Neutral
Lower Other
Lower Secondary
Lower Telco
Move 1st attachment
Move mid-span
Place
Place California top
Place clearance pole

Place mid-set pole
Place split duct
Place taller pole
Raise
Raise CATV
Raise fiber
Raise neutral
Raise other
Raise secondary
Raise Telco
Refer to Engineering
Relocate/Move
Remove
Repair
Replace
Shorten
Tighten
Transfer
Trim

Severity Codes

Severity Code A

Significant hazards requiring immediate response.

Examples are:

- Broken crossarms
- Broken poles
- Lines less than 14' over public roads
- Trees in primary power lines
- Broken or missing guy wires
- Exposed underground wires
- Damaged anchors

Severity Code B

Violations that do not require immediate attention but do need to be corrected no later than the following year. This includes violations not listed here as Severity Code A or C.

Severity Code C

Violations that do not endanger life or property and can be corrected during the next major activity at that location, such as pole change out or system rebuild.

Examples include:

- Fire hydrant less than 3' from pole with approval from all affected parties
- Climbing space violations where the pole is accessible by mechanical means
- Clearance between power and comm. is less than 40" but greater than 30" at the pole
- Clearance between comm. facilities at the pole is less than 12"

Inspection Form Utility Codes

Utility Code	Description
ATTEUG	COMCAST - NESC Violations Only - Lane County
ATLNS	AT&T LOCAL SERVICES - AT&T LOCAL SERVICES
ATTSLM	COMCAST - Yamhill County (Salem and McMinnville)
BANDON	CITY OF BANDON - ELECTRIC DEPT. - Bandon
BCC	BEND CABLE COMMUNICATIONS - Bend
BCT001	BEAVER CREEK COOPERATIVE TELEPHONE - Beaver Creek
BLACK	BLACKSTONE CABLE - BLACKSTONE CABLE
BLEC	BLACHLY-LANE ELECTRIC COOPERATIVE - BLACHLY-LANE ELECTRIC COOP
BMTV	BLUE MOUNTAIN TV CABLE CO - BLUE MOUNTAIN TV CABLE CO
BRCI	BOUNDARY RIDER COMMUNICATIONS - BOUNDARY RIDER COMMUNICATIONS
CANBYT	Canby Telephone Association - Clackamas County
CAS-OR	C.A. SIMON, INC. - C.A. SIMON, INC.
CASC	CASCADE UTILITIES - CASCADE UTILITIES
CCCS	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
CCEC	COOS CURRY ELECTRIC COOPERATIVE, INC. - Port Orford
CCEC1	COOS CURRY ELECTRIC COOPERATIVE, INC. - COOS CURRY ELECTRIC COOP, INC.
CCECA	COOS CURRY ELECTRIC COOPERATIVE, INC. - COOS CURRY ELECTRIC COOP.
CCI	COASTCOM, INC. - COASTCOM, INC.
CCMTC	CLEAR CREEK MUTUAL TELEPHONE CO. - CLEAR CREEK MUTUAL TELEPHONE C
CCPVM	CRESTVIEW CABLE COMMUNICATIONS - PRINEVILLE, CROOKED RIVER RANCH, CULVER, METOLIUS, MADRAS, LA PINE, WALLOWA, LOSTINE, ENTERPRISE, JOSEPH AND WALLOWA LAKE.
CECRMD	CENTRAL ELECTRIC COOPERATIVE - CENTRAL ELECTRIC COOPERATIVE
CH2MEN	CH2M HILL - CH2M HILL
CHARLG	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
CHART	CHARTER COMMUNICATIONS - Lane County (Florence, Mapleton and Dunes City); Douglas County (Gardiner, Reedsport, Winchester Bay and Schofield); Coos County (Lakeside, Hauser, North Bend, Coos Bay, Coquille, Myrtle Point, Powers and Bandon); Curry County (Langlois and Port Orford).
CHARTE	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
CHMED	CHARTER COMMUNICATIONS - Medford
CHRTL	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
CHTRGP	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
CHTRKF	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
CHTRRB	CHARTER COMMUNICATIONS - Roseburg
CHTRTD	CHARTER COMMUNICATIONS - The Dalles
CITZOR	CITIZENS COMMUNICATIONS - Myrtle Creek

CLC	CENTRAL LINCOLN'S PEOPLE'S UTILITY DIST. - CENTRAL LINCOLN PUD
CLPUDA	CENTRAL LINCOLN PEOPLE'S UTILITY DISTRIC - CENTRAL LINCOLN PEOPLE'S UTILI
CLPUDF	CENTRAL LINCOLN PEOPLES UTILITY DISTRICT - CENTRAL LINCOLN PEOPLES UTILI
CLPUDN	CENTRAL LINCOLN PEOPLES UTILITY DISTRICT - CENTRAL LINCOLN PEOPLES UTILI
CLPUDR	CENTRAL LINCOLN PEOPLES UTILITY DISTRICT - CENTRAL LINCOLN PEOPLES UTILI
CME720	TCI CABLEVISION OF OHIO - TCI CABLE OF OHIO (PARAGON)
CME721	TCI CABLEVISION OF OHIO - TCI CABLE OF OHIO (PARAGON)
CNTRY	COUNTRY CABLEVISION - COUNTRY CABLEVISION
COMEUG	Comcast - Engineering and Construction - Pole Transfers - Lane County
CPIOPR	CONSUMERS POWER INC. - CONSUMERS POWER INC.
CPIPLE	CONSUMERS POWER, INC - CONSUMERS POWER - PERMITS
CPUD	CLATSKANIE PEOPLE'S UTILITY DISTRICT - CLATSKANIE PEOPLE'S UTILITY
CRPUD	COLUMBIA RIVER PUD - Deer Island
CTEAST	CENTURYTEL - Douglas, Lane, Linn and Wasco Counties
CTWEST	CENTURYTEL - Clatsop and Columbia Counties
CTYCOR	CITY OF CORVALLIS - PUBLIC WORKS DEPT. - Corvallis
CVO-PW	CITY OF CORVALLIS - Public Works
DALLAS	CHARTER CABLE - CHARTER CABLE
DEAINC	DAVID EVANS & ASSOCIATES INC. - DAVID EVANS & ASSOC., INC.
DGLSOR	DOUGLAS ELECTRIC COOPERATIVE - DOUGLAS ELECTRIC COOPERATIVE
DKSAOR	DKS ASSOCIATES - Jackson County (Medford)
DSIOR	DOUGLAS SERVICES, INC. - DOUGLAS SERVICES, INC.
EBSORE	ENRON BROADBAND SERVICES - ENRON BROADBAND SERVICES
ELGNTV	ELGIN TV ASSOCIATION - ELGIN TV ASSOCIATION
ELIPT	ELECTRIC LIGHTWAVE - Pole Transfers - All pole activity in Portland, Salem, Eugene, & Clark County, WA area's; includes Clackamas, Multnomah, Washington, Marion & Lane counties in Oregon and Clark county in Washington
EOT	EASTERN OREGON TELECOM - EASTERN OREGON TELECOM
EPUD	Emerald Peoples Utility District - EMERALD PEOPLES UTILITY DISTRICT - Eugene
EWBPA	Eugene Water and Electric Board - EUGENE WATER AND ELECTRIC BOARD - Eugene (Lane County)
EWBPT	Eugene Water and Electric Board - EUGENE WATER AND ELECTRIC BOARD - Eugene (Lane County)
FALCON	CHARTER COMMUNICATIONS - Curry County from California state line north to northern end of Nesika Beach (end of Ophir Rd)
FKFALL	FALCON CABLE TV - FALCON CABLE TV
GOCTV	GLIDE CABLEVISION - GLIDE CABLEVISION
GTPOLE	Verizon - Metro Area
HILLOR	CITY OF HILLSBORO - CITY OF HILLSBORO

HRECOR	Hood River Electric Cooperative - HOOD RIVER ELECTRIC COOPERATIVE - Hood River County
HUNTER	HUNTER COMMUNICATIONS - HUNTER COMMUNICATIONS
INDEP	CITY OF INDEPENDENCE - CITY OF INDEPENDENCE
KFCHTR	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
LEBSCH	LEBANON COMMUNITY SCHOOLS - LEBANON COMMUNITY SCHOOLS
LEC	Lane Electric Cooperative - LANE ELECTRIC COOPERATIVE - Eugene
LKCHRT	CHARTER COMMUNICATIONS - CHARTER COMMUNICATIONS
MCMWL	McMinnville Water and Light - McMinnville
MCN002	MOLALLA CABLENET CORPORATION - CABLENET CORPORATION : MOLALLA
MDM	MILLENNIUM DIGITAL MEDIA - MILLENNIUM DIGITAL MEDIA
MFCLP	MILTON-FREEWATER CITY LIGHT & POWER - MILTON-FREEWATER P&L
MFL&P	CITY OF MILTON-FREEWATER POWER & LIGHT - CITY OF MILTON-FREEWATER POWER
MONROE	MONROE TELEPHONE / CATV - MONROE TELEPHONE / CATV
MORDEV	Morrow Development Corp. - MORROW DEVELOPMENT CORP.
MP&L	CITY OF MONMOUTH POWER & LIGHT - CITY OF MONMOUTH POWER & LIGHT
MTC001	MOLALLA TELEPHONE COMPANY - MOLALLA
MTCATV	MONROE TELEPHONE / CATV - MONROE TELEPHONE / CATV
NHLMOR	NEHALEM TEL & TEL - NEHALEM TEL & TEL
NOA-OR	NORTHWEST OPEN ACCESS NETWORK OREGON - NORTHWEST OPEN ACCESS NETWORK
NWCPUD	NORTHERN WASCO COUNTY PUD - NORTHERN WASCO COUNTY PUD
NWN	NW NATURAL - NW NATURAL
NWT	NORTH WILLAMETTE TELECOM - NORTH WILLAMETTE TELECO: CANBY
ORCA	ORCA Communications - ORCA COMMUNICATIONS - Coos Bay and North Bend (PPL and Verizon facilities only)
ORCANB	ORCA COMMUNICATIONS - ORCA COMMUNICATIONS
OREGON	Comcast - Master Code for OR & WA - COMCAST - Master Code for Oregon and Washington
OTC	OREGON TELEPHONE CORPORATION - OREGON TELEPHONE CORPORATION
OTECBK	OREGON TRAIL ELECTRIC CONS. COOPERATIVE - OREGON TRAIL ELECTRIC CONS. CO
OTECBU	OREGON TRAIL ELECTRIC CONS. COOPERATIVE - OREGON TRAIL ELECTRIC CONS. CO
OTECJD	OREGON TRAIL ELECTRIC CONS. COOPERATIVE - OREGON TRAIL ELECTRIC CONS. CO
OTECLG	OREGON TRAIL ELECTRIC CONS. COOPERATIVE - OREGON TRAIL ELECTRIC CONS. CO
PCIEU	PRIMELINE CONSTRUCTION - PRIMELINE CONSTRUCTION
PCINW	PREFERRED CONNECTIONS INC., NW - PREFERRED CONNECTIONS INC., NW
PDXSIG	CITY OF PORTLAND TRANSPORTATION DEPT. - Portland within

	Multnomah County. City of Portland traffic signal circuits.
PEOP	PEOPLE'S TELEPHONE COMPANY - PEOPLE'S TELEPHONE COMPANY
PGB03	Portland General Broadband -
PGEPR	PORTLAND GENERAL ELECTRIC - PORTLAND GENERAL EL: BEAVERTON
PGEPT	PORTLAND GENERAL ELECTRIC - PORTLAND GENERAL EL: BEAVERTON
PP143	PACIFICORP - Pole Transfers - Portland
PPL	PACIFICORP - PT/PA All Regions Oregon and Washington
PPLALB	PACIFICORP - Albany
PPLAST	PACIFICORP - Clatsop County
PPLBND	PACIFICORP - Deschutes County
PPLCBY	PACIFICORP - Coos Bay
PPLCOR	PACIFICORP - Corvallis
PPLDAL	PACIFICORP - Dallas
PPLENT	PACIFIC POWER - PACIFIC POWER
PPLGPS	PACIFICORP - Grants Pass
PPLHRV	PACIFICORP - Hood River
PPLKLM	PACIFICORP - Klamath Falls
PPLLEB	PACIFICORP - Lebanon
PPLLIN	PACIFICORP - Lincoln City
PPLMAD	PACIFICORP - Madras
PPLMED	PACIFICORP - Medford
PPLPEN	PACIFICORP - Umatilla County
PPLPRI	PACIFICORP - Prineville
PPLROS	PACIFICORP - Roseburg
PPLSTA	PACIFICORP - Stayton
PTC	PIONEER TELEPHONE COOPERATIVE - Asea, Bellfountain, Blodgett, Chitwood, Deadwood, Harlan, Horton, Lobster Valley, Philomath, South Beach, Summit, Tidewater, Triangle Lake, Waldport, and Yachats
Q-LIFE	Q-Life Network - Q-LIFE NETWORK - Wasco County (The Dalles)
QCOR	QUANTUM COMMUNICATIONS - QUANTUM COMMUNICATIONS
QINSOR	QWEST - INSPECTORS - QWEST - NESC INSPECTORS
QLINE2	Qwest - Portland Construction - This is a non-published member code for Qwest Construction in the Portland Metro Area including, including Oregon City, Milwaukie, Lake Oswego, Metzger, West Linn, Rainier, St. Helens and Burlington.
QLINE4	Qwest - North Coast Construction - This is a non-published member code for Qwest Construction in the North Oregon Coast area including, including towns of Astoria, Warrenton, Westport, Cannon Beach, Gearhart and Seaside
QLINE5	Qwest - Central Oregon Construction - QWEST - Central Oregon Construction (Non-pub)
QLINE6	Qwest - Eastern Oregon Construction - QWEST - Eastern Oregon Construction (Non-pub)
QOR1	QWEST - Portland - OSP Engineering

RAINER	USA MEDIA - USA MEDIA
RCNORG	RCN - RCN
RTIOR	ROOME TELECOMMUNICATIONS INC - Halsey
SCTC	STAYTON COOPERATIVE TELEPHONE - STAYTON COOPERATIVE TELEPHONE
SCVI	SCIO CABLEVISION INC. - SCIO CABLEVISION INC.
SE	SALEM ELECTRIC - OREGON - SALEM ELECTRIC - OREGON
SMTA	SCIO MUTUAL TELEPHONE ASSN. - SCIO MUTUAL TELEPHONE ASSN.
SPNTDP	SPRINT - SPRINT
SPNTGE	SPRINT - SPRINT
SPNTGW	SPRINT - SPRINT
SPNTJS	SPRINT - The Dalles, Arlington, Grass Valley, Moro, Rufus, Wasco, Hood River, Mosier, Odell, Cascade Locks, Parkdale
SPNTKM	SPRINT - White City, Shady Cove, Prospect, Diamond Lake, Eagle Point, Sheridan, Willamina, Grand Ronde, Carlton, Beaver, Cloverdale, Pacific City, Tillamook, Bay City, Garibaldi, Rockaway, Lincoln City
SPNTLC	SPRINT - SPRINT
SPNTSH	SPRINT - SPRINT
SPNTTL	SPRINT - SPRINT-OR
SPNTWC	SPRINT - SPRINT
SPNTYK	SPRINT - SPRINT
SS417	PACIFICORP - Pole Attachments - Portland
SUB	SPRINGFIELD UTLITY BOARD - Springfield City Limits
TCIJO	TCI CABLE - TCI CABLE: MILWAUKIE
TCINBG	TCI CABLE - MCMINNVILLE - TCI CABLE - MCMINNVILLE
TCIORE	Comcast - COMCAST
TCIPA	TCI CABLEVISION OF OREGON, INC. (PA) - TCI CABLEVISION OF O: PORTLAND
TCIPT	TCI CABLEVISION OF OREGON, INC. - TCI CABLEVISION OF O: PORTLAND
TCISLM	TCI CABLE - TCI CABLE: SALEM
TCISTH	TCI - CABLEVISION - TCI - CABLEVISION
TPUDPA	TILLAMOOK PEOPLE'S UTILITY DISTRICT - TILLAMOOK PEOPLES UTILITY DIST
TPUDPT	TILLAMOOK PEOPLE'S UTILITY DISTRICT - TILLAMOOK PEOPLES UTILITY DIST
TWTCOR	TIME WARNER TELECOM - Clackamas, Multnomah, and Washington Counties
UEC	UMATILLA ELECTRIC COOPERATIVE - UMATILLA ELECTRIC COOPERATIVE
UPCOR	NJUNS, Inc. - NJUNS, INC. - NJUNS Oregon testing and troubleshooting code
USWBND	Qwest - Central Oregon Engineering - QWEST - Central Oregon Engineering
USWEUG	QWEST - QWEST
USWME	USWEST - MEDFORD - USWEST - MEDFORD
USWMED	QWEST - MEDFORD -

USWOR2	Qwest - Portland Engineering - Portland Metro area, including Oregon City, Milwaukie, Lake Oswego, Metzger, West Linn, Rainier, St. Helens and Burlington.
USWOR3	QWEST COMMUNICATIONS - QWEST COMMUNICATIONS: SALEM AND THE NORTH OREGON COAST TOWNS OF CANNON BEACH, ARCH CAPE, SEASIDE, GEARHARDT, WARRENTON, ASTORIA AND WESTPORT.
USWOR4	Qwest - Eastern Oregon Engineering - QWEST - Eastern Oregon Engineering
UVISTA	UVISION LLC - UVISION LLC
VZCB	VERIZON - Coos Bay
VZLG	VERIZON COMMUNICATIONS - La Grande
WANTEL	WANTEL, INC. - WANTEL, INC.
WASHCO	COLUMBIA CABLE - COLUMBIA CABLE: BEAVERTON
WAVE	ELECTRIC LIGHTWAVE - ELECTRIC LIGHTWAVE: OR

**Oregon Public Utility Commission
Staff Policy
Line Inspection Requirements For Utility Operators**

1. PURPOSE

The purpose of this policy is to clarify the line inspection requirements of ANSI-C2, National Electrical Safety Code (NESC), as interpreted by the administrative authority. Specific reference is made to NESC Rule Nos. 012, 013, 121, 214, and 313.

In order to ensure that overhead and underground lines are kept in a safe and relatively trouble-free condition, Utility Operators must make a thorough inspection before a new installation is put into use and at sufficient intervals thereafter. Intervals are determined by considering: age and condition of line, previous inspection and maintenance programs, soil and environmental conditions, weather, and quality of line materials, workmanship and design. Inspections should be preventive in nature and intended to effect repairs previous to failures.

2. SCOPE

This policy applies to the inspection by Utility Operators of all electrical supply and communication lines, both overhead and underground.

3. DEFINITIONS

Lines - Those conductors rights-of-way, supporting structures, and associated equipment used to transmit electric supply energy or communication signals. (Such lines include electric supply, telephone, cable television, and similar utility lines.)

Utility Operator - Any person, company, utility, or municipality, pursuant to ORS 757.035, who is involved in the construction, operation, or maintenance of electrical supply and signal lines.

4. WRITTEN POLICIES AND STANDARD PRACTICES

Each Utility Operator shall have clearly written policies and work practices for its overhead and underground line inspection programs, including: new installation inspections, on-going cyclic inspections of existing lines and substations, and the utility's record keeping system that tracks code violations until corrected.

5. INSPECTION RESPONSIBILITIES (Also see item 7d of OPUC Policy entitled *Safety Provisions for Joint-Use of Poles.*)

Each Utility Operator shall conduct the applicable inspections listed in a., b., c. and d. below. Inspections b. and c. shall be done at such intervals as experience has shown to be necessary in accordance with good practice for the given local conditions.

a. Inspections of New and Repaired Installations

Each new line installation shall be closely checked and corrected for compliance with the NESC before being placed into service.

b. Public Safety Inspections

Public safety inspections are intended to identify hazards and right-of-way encroachments that can be seen during a patrol. These inspections shall include all overhead lines and other accessible equipment. For electric utilities, the maximum cycle length shall not exceed two years. Substations should be inspected monthly.

c. **Detailed Facility Inspections**

Existing lines shall be carefully inspected on a cyclic basis so that all associated equipment, hardware, right-of-way, and structures are thoroughly examined.

Maximum cycle length for electrical lines and overhead communication lines should not exceed ten years. For older lines (25 years or more) and lines with special concerns, a more frequent inspection may be appropriate.

These precautionary inspections are intended to identify NESC violations, defects, and deterioration of facilities which must be corrected in order to maintain future safe and reliable service.

d. **Management Quality Assurance Checks**

Each Utility Operator shall conduct management quality assurance checks to ensure that inspections, record keeping, and repairs are being properly conducted. The following is recommended as the minimum level of checking necessary to achieve compliance:

- Inspections of New and Repaired Installations – annually check 10% of all such work performed.
- Public Safety Inspections – annually check 5% of all such work performed.
- Detailed Facility Inspections – annually check 5% of all such work performed.

6. **QUALIFIED INSPECTION PERSONNEL**

Inspections listed in Item 5 (above) shall be conducted by qualified personnel who have an extensive practical knowledge of the NESC and the company's construction standards. The Utility Operator is responsible to provide its inspection personnel adequate inspection training for the types of facilities inspected.

7. **ONGOING UTILITY AWARENESS**

In addition to a., b., and c. listed in Item 5 (above), utility employees should constantly be alert, in the normal course of their daily work, to observe conditions that may create a hazard for line workers or the public. Defect reporting and correcting should be a continuous undertaking by the Utility Operator's construction and operating staff.

8. **INSPECTION RECORDS**

Each Utility Operator shall maintain a record system for tracking of NESC deficiencies found and reported. At minimum, this record system should include:

- a. Maps--showing locations of past and planned inspections;
- b. Completed Inspection Forms--showing itemization and location of deficiencies found, date, inspector, and inspection type; and
- c. Work Orders--showing projects backlogged for future completion.

(Issued November 1987, Revised September, 2000)

**Oregon Public Utility Commission
Staff Policy**

Electric Safety Enforcement

PURPOSE

This policy is to set guidelines related to electric supply and signal line operator inspections by PUC staff. For the purpose of this document, an operator is defined as any person, company, utility, or municipality, pursuant to ORS 757.035, who is involved in the construction, operation, or maintenance of electrical supply and signal lines.

POLICY

A. Inspection of Operators by PUC Staff

1. Priority in inspections will be given to those systems and plants with greater risk potential. The following factors will be considered in determining potential risk: the size of the plant or system and the number of customers it serves; the number of past accidents; and the extent of the operator's past violations.
2. Field inspections will include evaluations to ensure that operator is complying with the latest edition of the National Electric Safety Code (NESC) adopted by the Public Utility Commission. Inspections may include reviews of the operator's standard practices and records concerning design, construction, operation, maintenance, inspection, and emergency procedures.

B. Written Notice of Probable Violations

1. As soon as practical after an inspection where a probable violation was noted, a written inspection report by PUC staff listing all violations found will be issued. The report will contain a notice that a probable violation exists, a short description of the probable violation, and a citation to the rule(s) in point. The report will specify reasonable times for the operator to submit a response to the violation.¹
2. A written response from the operator, pursuant to paragraph C below, must be received by the PUC within the time specified in the inspection report.

C. Responses Open to the Operator

1. After receiving the probable violation, the operator may:
 - a. Correct the violation within the time allotted in the inspection report and notify the PUC staff of the action taken;

¹Although PUC staff may specify a deadline for the operator to respond to the probable violation, the operator retains full responsibility to correct those violations cited in a prompt manner so that life and property are not endangered. (See NESC Rules 121A, 214A.5, and 313A.5.)

- b. Submit a written plan of action indicating the action to be taken to correct the probable violation, including a schedule and the date when the completion of corrective action is anticipated; or²
- c. Request an informal conference with the PUC staff.

2. If the plan of action is not accepted by PUC staff, or if the operator selects option c., an informal conference will be scheduled.

D. Informal Conference

A date, time, and place for the informal conference will be arranged. At the conference, the operator may explain his position and may present alternatives for remedying the probable violation. The operator and the PUC staff may agree on a plan to remedy the probable violation.

E. Referral to Commission

After receiving a response from the operator and after holding the informal conference, if any, or after receiving no response within the time specified in the inspection report, the PUC staff will determine whether to refer the case to the Public Utility Commission for formal action. In such case, the PUC staff shall notify the Commission of the response chosen by the operator and the result of the informal conference, if any.

F. Civil Penalties³

Civil penalties for failure to comply with PUC utility safety rules or regulations shall be based on the gravity of the violation, the extent of the operator's past violations, and other matters as justice may require.

G. Waivers

Upon formal application by an operator, the Public Utility Commission may grant a waiver from compliance with the utility safety regulations. The application shall include a statement of reasons why the regulations are not appropriate and why a waiver is consistent with sound electric and signal line safety practices.

²As soon as the corrective action for the violation is completed, the operator shall notify PUC staff of the final action taken.

³ORS 756.180 provides for the enjoining of a violation of the utility laws. ORS 757.990 provides for penalties for failure to comply with PUC safety rules or regulations of not less than \$100, nor more than \$10,000 for each such offense.

**Oregon Public Utility Commission
Staff Policy**

Tree To Power Line Clearances

PURPOSE

The purpose of this policy is to modify and define the tree trimming rules of ANSI C2, National Electrical Safety Code (NESC) as interpreted by the administrative authority (Reference--NESC Rules 012, 013, and 218). This policy is to set forth the specifications and guidelines relating to tree trimming, tree removal, and line clearance to provide for reasonable service continuity, safety to the public, and to guard against forest fire damage caused by supply conductors.

POLICY

Trees which may interfere or do interfere with supply conductors should be trimmed or removed.

- A. Specifications and guidelines for line clearances.
 - 1. The necessary clearance of supply lines from trees is determined by:
 - a. Voltage, location, and importance of individual line.
 - b. The height of the poles and line.
 - c. The growth habit and final appearance of the trees.
 - d. Combined movement of trees and conductors under adverse weather conditions.
 - e. Sag of conductors at elevated temperatures.
 - 2. Concept:
 - a. Transmission lines should have a minimum clearance of ten feet in all directions.
 - b. Primary distribution lines.

There should be a minimum 5-foot clearance between an energized high voltage distribution conductor and any part of a tree. This clearance may be reduced to three feet if the tree is not readily climbable (having sufficient handholds and footholds to permit an average person to climb easily without using a ladder or other special equipment).

Trees should be trimmed to the extent that this designated minimum clearance area will be kept free of new tree growth until the next scheduled trimming cycle. If the trimming cycle is other than three years, as may be needed for fast-growing tree species or where limited trimming is permitted by the tree owner, appropriate records need to be maintained to insure timely trimming is accomplished.

Intrusion of limited small branches and new tree growth into this minimum clearance area can be tolerated so long as it does not contribute to a safety hazard to a person climbing the tree or cause interference with the conductors.

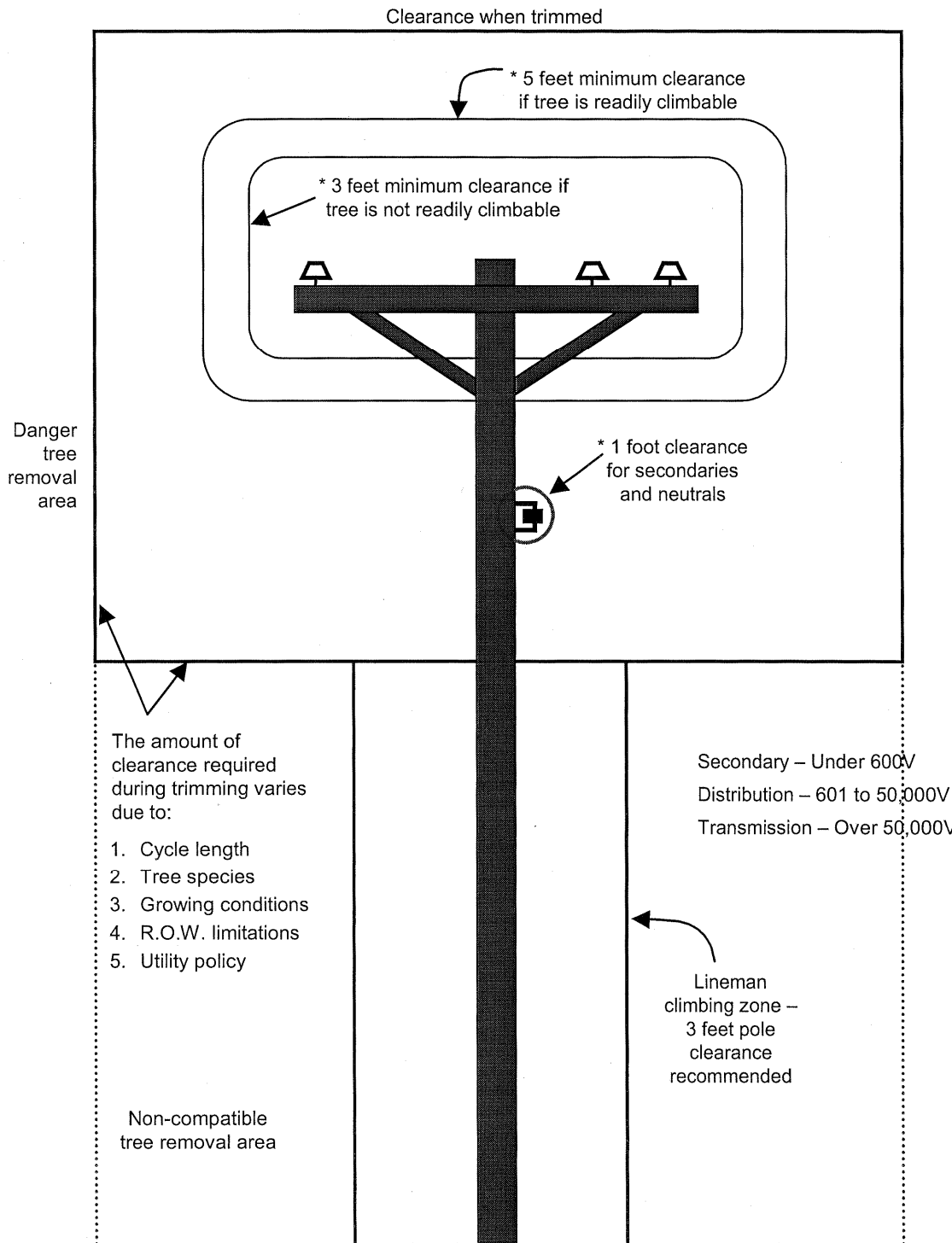
- c. Secondary and/or service conductors (600 volts and below) should have at least 1-foot clearance. While extensive tree trimming or tree removal relating to these services is not expected, proper consideration must be given to possible conductor damage and service outages caused by trees, and appropriate measures taken.

B. Tree removal. Whenever justified, tree removal should be encouraged. Trees should be removed under the following conditions:

1. Trees located in school yards, playgrounds, parks, backlot construction areas, or other areas and which children may climb easily and contact overhead conductors.
2. Trees that have been topped under low-level primary and transmission circuits with no chance for a reasonable, natural development.
3. Trees that are unsightly because of excessive trimming and cannot be economically retrimmed.
4. Trees in rural areas along county roads and state highways which would eventually reach a primary or transmission line.
5. Fast-growing tree species located in suburban and urban areas, near homes or in landscaped areas which will eventually grow into transmission or distribution lines.
6. Trees, both live and dead, which are leaning toward the line and which would strike the line when falling.

(Issued before 1983; revised Jan. 1987)

Vegetation Clearances for Distribution



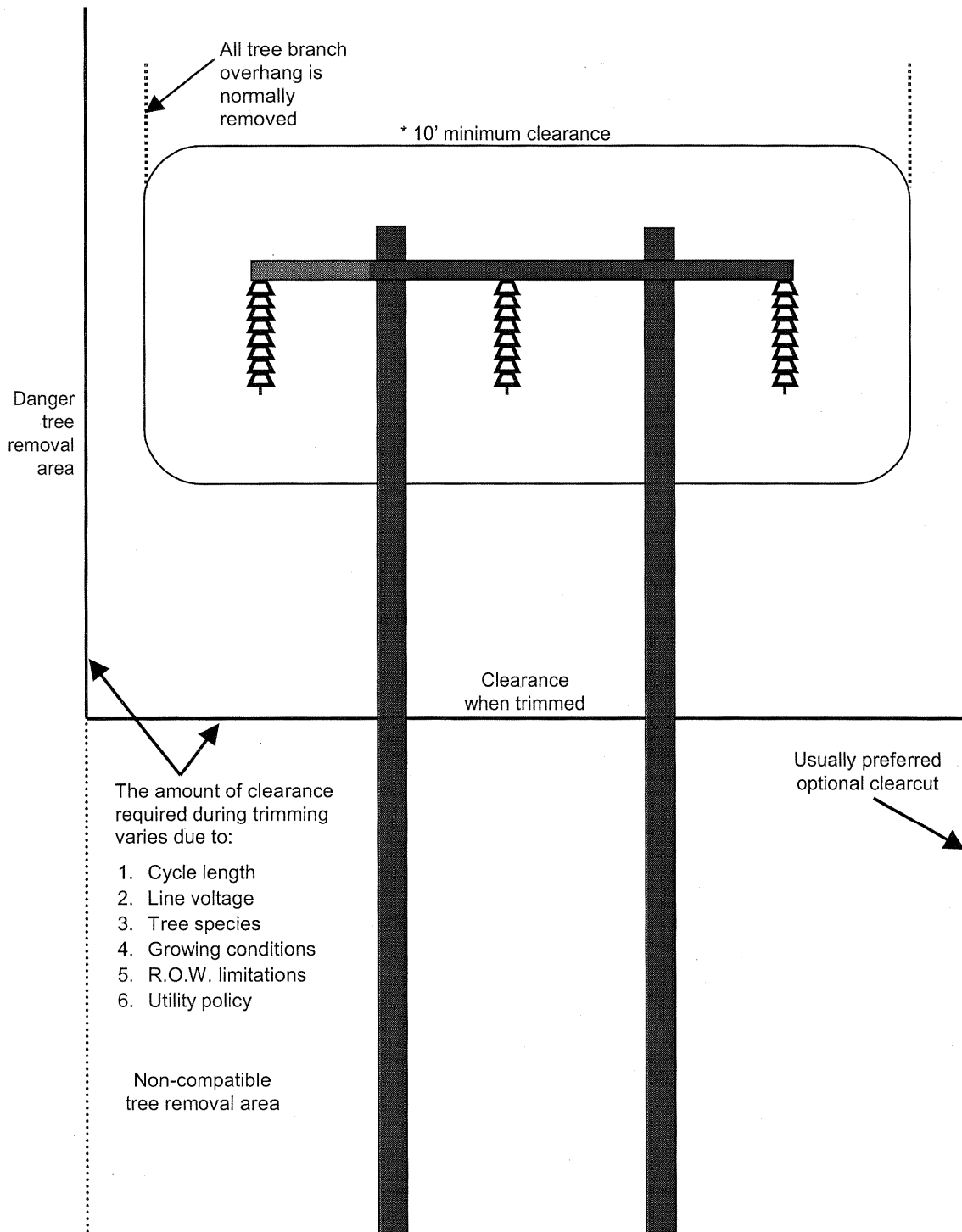
1. Note: All voltages are phase to phase, nominal

*2. Note: Minimum indicates clearance required at all times.

*3. Note: The motion of poles, conductors and trees under adverse weather conditions must be considered in maintaining minimum clearances.

4. Definition: Readily climbable – Having sufficient handholds and footholds to permit an average person to climb easily without using a ladder or other special equipment.

Vegetation Clearances for Transmission



* Note: Minimum indicates clearance required at all times.

* Note: The motion of poles, conductors and trees under adverse weather conditions must be considered in maintaining minimum clearances.

Oregon Public Utility Commission Policy

Safety Provisions for Joint-Use of Poles

The Public Utility Commission has adopted this policy as a reasonable and prudent practice to ensure safety of Oregon's overhead rights-of-way.

1. Purpose

The purpose of this policy is to ensure the safe and efficient use of overhead line rights-of-way. This policy establishes provisions necessary to ensure compliance with the National Electrical Safety Code (NESC) as required by ORS 757.035, OAR 860-024-0010 and OAR 860-034-0430 as interpreted by the administrative authority. Refer to applicable NESC rules, with a focus on rules 012, 013, 213, 214, 217, 220, 221, and 222.

2. Scope

This policy applies to all electric and telecommunication system owners or operators (including utilities), and other authorized entities that attach lines, equipment, or devices to joint-use poles.

3. Definitions (For other definitions, see the NESC Section 2, Definitions)

Attachment Project. Any addition, modification or removal of any electric supply line, signal line, device, apparatus, equipment, or structural member that materially changes the clearance, mechanical, structural, or electrical characteristics of the joint-pole installation. Maintenance replacements that do not modify the installation or affect other joint-pole users are intended to be exempted.

Joint-pole users. All utilities or entities with line, equipment, or device attachment(s) on a specified pole or joint-pole installation, including the pole owner and the electric joint-user.

Modifying entity. Any utility or entity planning or carrying out an attachment project to a pole installation(s).

4. Notification and Coordination

a. The modifying entity shall give prior written notification to the pole owner for each attachment project. The modifying entity shall receive written preauthorization from the pole owner before attaching. The notification shall be given in a timely manner to allow for ample engineering and coordination by affected joint-pole users. Sufficient coordination including submittal of project plans and exchange of information shall take place between joint-pole users so that the attachment does not create a NESC violation or conflict. Written notifications, authorizations, project plans and certifications shall be transmitted by paper or by electronic means using computers, fax, e-mail, Internet, etc.

b. Exception. Where NESC compliance can be assured, the modifying entity may be exempted from any of the written documentation provisions associated with prenotification, project plans, project certification or pole owner authorization at the pole-owner's discretion. This should only apply if the modifying entity has a written agreement with the pole owner that such submittals are unnecessary under specified conditions and limitations.

5. Engineering and Project Planning

Each attachment project shall involve sufficient planning by the modifying entity to ensure NESC compliance during construction and upon completion. The project plans shall include sufficient design drawings and specifications so that qualified personnel can safely make the attachments in compliance with the NESC and joint-pole agreements. Except as noted in paragraph 4.b., written project plans shall be submitted to the pole owner prior to commencing the attachment project.

6. Qualified Personnel

Joint-pole users shall only use trained qualified persons to work on joint-pole installations. Qualified persons shall be knowledgeable in applicable NESC rules and must be able to demonstrate competence as required by NESC rule 420.A.1. They shall also be trained to recognize and prevent NESC violations and conflicts, and to keep safe working clearances from energized lines and equipment.

7. Inspection, Maintenance and Compliance Responsibilities

(The below applies to both new and existing joint-pole installations.)

- a. Each joint-pole user shall take appropriate means to ensure the safety of its lines and devices.
- b. Each joint-pole user shall promptly respond to pole-owner notifications related to, but not limited to, maintenance, relocation, rearrangement, violations, or abandonment of joint-pole installations.
- c. Except as noted in 4.b. above, upon completion of an attachment project, the modifying entity shall give written certification to the pole owner that the attachment project is complete and complies with the NESC.
- d. Each joint-pole user shall conduct sufficient inspections and prompt repairs to ensure ongoing NESC compliance of its lines and facilities. In cases where discovered safety violations cannot be corrected safely or in a timely manner, the pole owner shall be notified promptly of the conditions.
(Also, refer to NESC rule 214 and PUC Staff policy on "Requirements for Line Inspection by Utility Operators.")
- e. Each joint-pole user shall ensure that its employees and employed contractors are following project plans, joint-use agreements, standard practices, and NESC rules.
- f. Joint-pole users that fail to promptly correct their NESC violations are responsible for costs including inspection, design, coordination, repair, etc. that the pole owner incurs in correcting such violations and in ensuring joint-use safety. Refer to OAR 860-022-0055(8).

8. Pole Owner Responsibilities

- a. The pole owner must promptly respond to all notifications so that attachment projects and safety violation corrections are not unduly delayed. The pole owner may deny access if the attachment project will result in safety, reliability, and generally accepted engineering standards not being met.
- b. Each pole owner should have written standard practices that address construction standards and communication protocols to be followed by joint-pole users. The standards should specify any obligations that exceed NESC regulations. These standards should also address communication methods and contacts for notifications, project plans, authorizations, and compliance certifications. These standards should be made readily available to requesting entities.

9. Electric Joint-Pole User Responsibilities

Special coordination is required for joint-use poles supporting high voltage lines (over 600 volts) where the poles are not owned by the electric joint-pole user. In such cases, the electric joint-pole user shall have agreements with the pole owner to ensure the structural integrity and safety of the electric lines.

10. Record-Keeping and Administration

Each joint-pole user shall perform the necessary administration and record-keeping to ensure that activities and responsibilities addressed in this policy and NESC Rule 214A-4 are being carried out.

Approved by Oregon Public Utility Commission on February 18, 1997

Source: OREGON REVISED STATUTES, 2005 Edition

758.284 Immunity of electric utility for pruning or removing vegetation in other cases; notice to property owner. (1) An electric utility is immune from any civil liability for pruning or removing vegetation that is growing on property on which electric facilities are located, or growing on property that is adjacent to property on which electric facilities are located, if the pruning or removal is consistent with policies of the Public Utility Commission relating to the pruning or removal of vegetation, or is consistent with a local ordinance or resolution applicable to the property that relates to the pruning or removal of vegetation, and any of the following apply:

(a) The vegetation to be pruned or removed is hanging over electric facilities or growing in such close proximity to overhead electric facilities that the vegetation constitutes an electrical hazard under any electrical safety code adopted by the Public Utility Commission or constitutes a danger under state or federal health and safety codes to a person working on the facilities or with access to the facilities.

(b) The vegetation to be removed is diseased, dead or dying or is close enough to electric facilities that pruning or removal of the vegetation is necessary to avoid contact between the vegetation and electric facilities. A determination under this paragraph must be made by a qualified forester or arborist if a local ordinance or resolution requires that such determinations be made by a qualified forester or arborist.

(c) The vegetation is of such size, condition and proximity to electric facilities that the vegetation can reasonably be expected to cause damage to electric facilities in the future. A determination under this paragraph must be made by a qualified forester or arborist if a local ordinance or resolution requires that such determinations be made by a qualified forester or arborist.

(2) The limitation on liability provided by this section does not apply unless the electric utility has provided notice to owners of the property where the vegetation is located. Notice may be provided by posting a flyer in a conspicuous location on the property where the vegetation is located. The flyer must:

(a) Indicate that the electric utility intends to prune or remove vegetation on the property;

(b) Include a brief statement of the nature of the work to be performed and the reason the work is needed;

(c) Include an estimate of the time period during which the work will occur; and

(d) Provide information on how the electric utility can be contacted.

(3) The limitation on liability provided by this section does not apply unless the pruning or removal complies with rules adopted by the Public Utility Commission relating to pruning or removal. In adopting rules, the commission shall give consideration to the American National Standard for Tree Care Operations adopted by the American National Standards Institute. [2001 c.420 §3]

CERTIFICATE OF SERVICE

AR 506

I certify that on May 1, 2006, upon all participants of record in this proceeding, served Division 24 comments of the Oregon Joint Use Association by electronic mail as indicated on the service list.

DATED this 1st day of May, 2006.

LEAHY & KIERAN

By: _____
Christy K. Monson, OSB No. 01150