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Barbara W. Halle
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September 28, 2006

Via Electronic Filing and U.S. Mail

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

**Re: AR 506 – In the Matter of Rulemaking to Amend and Adopt Rules in OAR 860,
Divisions 024 and 028, Regarding Pole Attachment Use and Safety**

Attention Filing Center:

Enclosed for filing in the captioned docket are original and two copies of:

- **DIVISION 28 –FIRST ROUND OF COMMENTS OF PORTLAND GENERAL ELECTRIC COMPANY**

This document is being filed by electronic mail with the Filing Center.

An extra copy of this cover letter is enclosed. Please date stamp the extra copy and return it to me in the envelope provided.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara W. Halle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

BARBARA W. HALLE

BWH:jbf
Enclosures

cc: Service List – AR 506



**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 506

In the Matter of a Rulemaking to Amend and Adopt Permanent Rules in OAR 860, Divisions 024 and 028, Regarding Pole Attachment Use and Safety

**FIRST ROUND COMMENTS OF
PORTLAND GENERAL ELECTRIC
(DIVISION 28)**

This docket has involved many months of discussions and many rounds of comments, both formal and informal, including issues lists. PGE has participated in the entire process, and has provided its own comments (see filings made on January 24, 2006 and July 21, 2006, for example). For the record, PGE hereby reiterates what it has already submitted. However, at this juncture it seems useful to emphasize a few points that speak more to some general principles than to specific wording changes.

I. Government Entities.

Questions have been raised about whether the Division 28 rules apply to Government entities, or if some of the rules apply to Government entities and some do not. From PGE's perspective, a reasonable line can be drawn between the rules that apply to the charges for attaching to poles (OAR 860-028-0110) or conduits (OAR 860-028-0310), and the rest of the rules that govern other terms and conditions of attachment, including the duties of pole occupants (OAR 860-028-0120). If the purpose of these rules is to govern access to utility poles, support equipment and conduit, and to make sure that attachments conform to the Commission's Safety Rules (as defined in OAR 860-024-0001) or, if they don't, that there are mechanisms in place to bring them into compliance with the costs born by the appropriate parties, it seems to us that this purpose is best served if every type of entity that attaches to utility

equipment must follow the same rules. While the monetary consideration for attachment to a pole or conduit, could be and often is covered by a franchise agreement or other document that includes consideration flowing in both directions between utilities and government entities, safety compliance with regard to pole attachments is something that the State of Oregon gives the Commission broad authority to enforce. (ORS 757.035). Requiring permits, the following of the Commission Safety Rules and the remedying of hazardous conditions are all reasonable expectations of any pole occupant, whether a public, private or government entity. To rule otherwise would mean a pole owner could never be sure that its safety compliance program for its poles and conduits is effective.

II. Costs Charged in addition to Rental Rates.

There has been some concern over the issue of whether administrative costs to support permit applications, special inspections, preconstruction activity, post construction activity, make ready and the costs of dealing with unauthorized and non-compliant attachments can be charged to the occupant or licensee in addition to the rental rate. (OAR 860-028-0110). To the extent that the pole owner keeps adequate records that allow it to break out these costs and demonstrate that they are not rolled into the rental rates, the pole owner should be allowed to apportion these costs as reasonably as possible to the entity that causes them to be incurred. The goal should be that all costs incurred by the pole owners to enable attachments in compliance with the Commission Safety Rules and the applicable contract be appropriately collected from licensees and/or occupants.

III. Different Mechanisms for Calculating Conduit Attachment Rates.

While it may be reasonable to set out a methodology for establishing a just and reasonable rate for conduit attachments per the rule (OAR 860-028-0310), there should be no inference that an owner that does not keep records that allow a calculation to be made in that precise

manner must invest in expense tracking systems or labor-intensive work to establish such records. It should be clear from the language in the rule that alternative methodologies may be used and that there is no presumption that such alternative methodologies would not lead to just and reasonable rates.

In addition to the above, PGE wishes to express its appreciation for the efforts of the Oregon Joint Use Association board members in trying to achieve consensus where possible on these rules. Their efforts have contributed greatly to a constructive dialogue and, in the end, to better rules. In light of this, PGE intends to wait to submit any comments in AR 510 until it has had an opportunity to review the OJUA proposal and decide whether to support it as written, or to suggest modifications.

Respectfully submitted,

/s/ BARBARA W. HALLE

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CERTIFICATE OF SERVICE

I certify that I have caused to be served the foregoing **DIVISION 28 FIRST ROUND OF COMMENTS OF PORTLAND GENERAL ELECTRIC** in OPUC Docket No AR 506, by electronic mail, and for the parties who have not waived paper service, by First Class US Mail, postage prepaid and properly addressed, upon each party on the attached service list, pursuant to Oregon Administrative Rule 860-013-0070.

DATED this 28th day of September, 2006.

/s/ Barbara W. Halle

Barbara W. Halle

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