



Pacific Power |  
Rocky Mountain Power  
825 NE Multnomah  
Portland, Oregon 97232

June 28, 2006

***VIA ELECTRONIC FILING  
AND OVERNIGHT DELIVERY***

Oregon Public Utility Commission  
550 Capitol Street NE, Ste 215  
Salem, OR 97301-2551

Attention: Vikie Bailey-Goggins, Administrator  
Regulatory and Technical Support

RE: **Docket No. AR-506**  
PacifiCorp's Supplemental Comments to Division 24

Dear Ms. Bailey-Goggins,

Enclosed for filing are five (5) copies of PacifiCorp's Supplemental Comments to Division 24 in the above referenced docket.

Very truly yours,

Andrea L. Kelly  
Vice President, Regulation

Enclosures

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OREGON**

**AR 506**

**In the Matter of a Rulemaking to Amend )  
and Adopt Permanent Rules in OAR 860, )  
Division 24 and 28, Regarding Pole )  
Attachment Use and Safety )**

**PACIFICORP'S  
SUPPLEMENTAL  
COMMENTS TO  
DIVISION 24  
June 28, 2006**

Pursuant to the Ruling, issued by Administrative Law Judge Christina Smith on June 8, 2006, which extended the comment period, and after having reviewed a transcript of the hearing conducted on June 1, 2006, PacifiCorp respectfully submits these Supplemental Comments for purposes of clarifying several of its own talking points and to note several of the comments made by Commission Staff-presenter Bob Sipler, during the hearing.

**COMMENTS**

For ease of reference, PacifiCorp has attached a copy of its talking points, the substance of which was conveyed by Vice-President Bill Eaquinto, during the hearing on June 1, 2006.

With respect to Mr. Eaquinto's comments regarding OAR 860-024-0012, PacifiCorp noted that it is expending significant effort to meet the current "two-year rule". PacifiCorp would like to clarify that the "two-year rule", Mr. Eaquinto was referring to, is PacifiCorp's current service quality measure, which contemplates a two-tiered approach to completion of repairs: all "A" conditions must be repaired as soon as practicable but within 30-days, and all "B" conditions must be corrected within the next budget year after discovery. Mr. Eaquinto further noted that despite PacifiCorp's compliance with those deadlines, many of the "B"

conditions corrected provide no measurable benefit to safety or customer service. However, PacifiCorp does believe that the adoption of a reasonable, three-tiered, prioritization-of-repairs rule, which is consistently applied to all operators in the state, could yield positive results for PacifiCorp and its customers in that, as Mr. Eaquinto noted, PacifiCorp and its customers would realize significant efficiencies in corrective maintenance activities, due to trip reductions and work-load leveling. For these reasons, PacifiCorp believes that its proposed prioritization-of-repairs rule will bring about economic benefits, without compromising safety to the public or workers, and that pole owners and attachers alike, should have the opportunity to extend those benefits to their ratepayers. As a final note, in support of its three-tiered approach to repairs, PacifiCorp would like to point out that the Staff has clearly recognized the importance of categorizing conditions and adoption of a tiered approach to such repairs, as evidenced by their recognition of “A” and “B” conditions under the “two-year rule”. The Staff’s own actions acknowledge that the NESC does not preclude adoption of such a method for prioritization of corrections, and, as Bob Sipler’s noted in his comments at the hearing, “When the code does not give exact correction times, the administrative authority can make that determination”. Thus, PacifiCorp believes that acknowledging three categories of conditions and implementing a three-tiered approach to repairs is reasonable, and the approach that the Commission should adopt.

With respect to OAR 860-024-0016, early on PacifiCorp noted its support for a six-inch rule for vegetation clearance. This is more appropriate and reasonable than the “18-inch” rule currently proposed by Staff in 860-024-0016(5)(c)(B). In this regard, PacifiCorp would also note that while it appreciates Bob Sipler’s comment, that compliance with the “intent” of the limited intrusion

policy should result in no additional costs, the reality is that neither PacifiCorp nor any other utility can rely on the argument that it “intended to comply”, in the face of an enforcement action. Therefore, PacifiCorp must acknowledge that it too would incur additional costs, if it were required to withstand scrutiny over its compliance with an 18-inch rule. The establishment of an objective measure is desirable, but the cost associated with such compliance is a factor worthy of consideration. PacifiCorp would submit that all of the goals outlined by Mr. Sipler and the industry participants can be achieved by implementing a 6-inch rule, at lesser cost and lesser impact to vegetation, and such should to be considered.

### CONCLUSION

PacifiCorp appreciates the opportunity to provide these supplemental comments.

Respectfully submitted,



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**Oregon Proposed Rulemaking**  
**AR 506—Division 24—PacifiCorp's Talking Points**  
**Hearing Date: June 1, 2006**

**1) Prioritization of Repairs (rule 860-024-0012)**

- PacifiCorp supports the application of more than two tiers for infraction prioritization. PacifiCorp's proposal:
  - 1) Infractions that pose an immediate risk of safety should be corrected immediately.
    - (Examples: bad transformers, conductor & 'A' poles)
  - 2) Infractions that could pose a risk of safety shall be corrected within two years.
    - (Examples: bad insulators, crossarms)
  - 3) All other infractions that do not reasonably pose risk to life or property would be delayed until the next visit to the pole, not to exceed ten years.
    - (Examples: signs on poles, bird damage)
- Given the current 'two-year rule', PacifiCorp is expending significant effort to meet an artificial deadline with no measurable benefit to safety or customer service.
- PacifiCorp, and our customers, would realize significant efficiencies in corrective maintenance activities due to trip minimization and reductions and work load leveling.
- PacifiCorp's electronic maps and crew dispatch technologies now have the capability to optimize by geographic the repair logistics.
- The above modifications can be delivered with no detriment to the system's safety.

**2) Vegetation Management Clearance (rule 860-024-0016)**

- PacifiCorp agrees that refinements to the proposed vegetation management language are needed, and is generally in support of these improvements.
- PacifiCorp endorses a rule that provides an objective measure of assuring compliance with zero-tolerance for tree contact with conductors. We believe this can be accomplished with a 6-inch rule.
- The 18-inch rule proposed by Safety Staff goes far beyond a 'zero tolerance' for tree contact with conductors. If it becomes the standard by which violations are enforced, it will be costly to PacifiCorp and our customers to maintain tree clearances.
- The 6-inch rule is supported by the Urban-Wildland Interface Code, which was developed by the International Fire Code Institute.

### **3) Development of Criteria to Determine Degree of Program Compliance**

- PacifiCorp believes an objective evaluation-measure for program compliance is appropriate, for both vegetation management and its inspection and maintenance programs
- Such development would allow the company to align its internal quality assurance program with Staff expectations

#### **CONCLUSORY COMMENTS:**

Finally, if it is determined that this rulemaking process will bring about economic benefits that can be realized through modifications to the “Prioritization of Repairs” and/or “Vegetation Clearance Requirements” rules with the 6” rule, without compromising safety to the public or workers, PacifiCorp would like the opportunity to extend those benefits to our customers by modifying our AFOR/SQM timeframes and standards. It is our hope that the Commission will entertain such a discussion. It is important on the timeframes that we are consistent with the other users in this rulemaking. If we are not on the same timeframes it will be very costly for companies, the communication companies and the utilities.