

July 21, 2006

Oregon Public Utility Commission  
Electronic Filing Center  
550 Capitol Street N.E., Suite 215  
Salem, Oregon 97301

RE: AR 506 Phase II – Division 28 Rulemaking

Dear E-Filing Center,

Enclosed is Verizon Northwest Inc.'s issues list for consideration in the above-mentioned rulemaking. Please contact me at (503) 645-7909 if you have any questions.

Sincerely,

Renee M. Willer  
Regulatory Manager  
Verizon Northwest Inc.

c: Service List

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 506

|  |   |                         |
|--|---|-------------------------|
| In the Matter of a Rulemaking to Amend and | ) | Proposed Issues List of |
| Adopt Permanent Rules in OAR 860,          | ) | Verizon Northwest, Inc. |
| Division 028 Regarding Pole and Conduit    | ) |                         |
| Attachments                                | ) |                         |

Verizon Northwest Inc. (“Verizon”) files this proposed issues list as requested by the Commission. This list may overlap to some degree with the proposed issues list to be filed by the Oregon Joint Use Association (“OJUA”), but is being filed in its entirety to ensure that all issues of concern to Verizon are included. In this Proposed Issues List, Verizon references its Division 28 rule proposals sent with a cover letter dated January 24, 2006.<sup>1</sup>

**PROPOSED ISSUES LIST**

**A. General Issues**<sup>2</sup>

1. Whether the Commission has the statutory authority to allow pole owners to impose any punitive monetary penalties on pole occupants for any violation of the Division 24 or Division 28 rules.
2. Whether the sanctions that may be imposed by pole owners should be further disaggregated based upon the severity of a violation.

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<sup>1</sup> There are references herein to “Verizon’s rule proposals dated January 24, 2006.” These rule proposals were sent by Steve Lindsay on behalf of Verizon to Staff member Jerry Murray and are referenced in the Notice of Proposed Rulemaking for this proceeding under the section entitled “Documents Relied Upon, and where they can be located” (paragraph 8). Verizon’s rule proposals dated January 24, 2006, can be found [http://www.puc.state.or.us/PUC/admin\\_rules/workshops/phase2/verizon.pdf](http://www.puc.state.or.us/PUC/admin_rules/workshops/phase2/verizon.pdf). To avoid confusion, please note that these rule proposals were referred to in error in various places as being dated January 24, 2005 and January 25, 2006.

<sup>2</sup> Verizon notes that the legality of the “sanctions” rules is presently on appeal to the Oregon Supreme Court. The list of issues related to those rules included in this document in no way constitutes a concession or waiver regarding legal arguments that have been raised or will be raised on the legality of those rules.

3. Whether the monetary amount of sanctions that can be imposed should also be further disaggregated and defined to reflect the severity of the violation.
4. Whether the Division 28 rules should be modified to reflect the order<sup>3</sup> entered by the Commission in Docket No. UM 1087 regarding cost recovery.
5. Whether the current practices of some pole owners interpreting Division 28 rules result in double cost recovery of costs from pole occupants.
6. Whether pole occupants should have a “grace” period within which to cure alleged violations before any sanctions can be imposed.
7. Whether the phrases “support equipment” or “other support structure equipment” are too vague and should be deleted through the Division 28 rules.
8. Whether the term “licensee” should be replaced with “occupant” throughout the Division 28 rules.
9. Whether the proposed Division 28 rules will accomplish the stated purpose of the rulemaking “to ensure that Oregon’s utility lines and facilities accommodate competitive changes and are constructed, operated, and maintained in a safe and efficient manner.”
10. Whether the Division 28 rules as proposed are consistent with Division 24 rules.

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<sup>3</sup> Order no. 05-042 released January 19, 2005

**B. Rule 860-028-0020(3)(20)**

1. Whether carrying charges should be based upon the FCC approved 364 Account, only.

2. Whether the cost of money for a consumer-owned utility should be the consumer-owned utility's actual average cost of capital rate.

**C. Rule 860-028-0020(11)**

1. Whether make-ready work should include any administrative costs or fees.

**D. Rule 860-028-0020(17)**

1. Whether the term "frequent" as used in the proposed definition of pattern should be further defined.

2. Whether a "pattern" begins after the effective date of these rules.

**E. Rule 860-028-0020(19)**

1. Whether Attachments made to structures other than distribution poles should be addressed in contracts of parties.

**F. Rules 860-028-0020(26), (27), and (28)**

1. Whether these definitions ("special inspection", "support equipment", and "support equipment cost") should be deleted as proposed in Verizon's rule proposals dated January 24, 2006.

**G. Rule 860-028-0020(32)**

1. Whether "unauthorized attachment" definition should be modified as proposed in Verizon's rule proposals dated January 24, 2006 or whether the phrase "and a governing agreement" should be deleted.

**H. Rule 860-028-0020(33)**

1. Whether “usable space” definition should be modified as proposed in Verizon’s rule proposals dated January 24, 2006.

**I. Rule 860-028-0020(XX)**

1. Whether the term “routine inspection” as proposed in Verizon’s rule proposals dated January 24, 2006, should be added to the definitions.

**J. Rule 860-028-0050(2)**

1. Whether the provision addressing “owner correction” should be modified as proposed in Verizon’s rule proposals dated January 24, 2006.

**K. Rule 860-028-0060(1)**

1. Whether subsection (1) of this rule addressing “attachment contracts” should be modified as proposed in Verizon’s rule proposals dated January 24, 2006 by adding “and when appropriate” to the end of the definition.

**L. Rule 860-028-0060(X)**

1. Whether a new subsection of this rule addressing “Attachment Contracts” should be modified as proposed in Verizon’s rule proposals dated January 24, 2006 by adding “Unless explicitly permitted in a joint use agreement, owners shall not duplicate or overbuild each others pole lines.”

**M. Rule 860-028-0070(2)**

1. Whether subsection (2) of this rule addressing “Resolution of Disputes for Proposed New or Amended Contractual Provisions” should be modified as proposed in Verizon’s rule proposals dated January 24, 2006 by adding “or for resolution of the disputed issues” to this subsection.

**N. Rule 860-028-0070(5)**

1. Whether subsection (5) of this rule addressing “Resolution of Disputes for Proposed New or Amended Contractual Provisions” should be modified as proposed in Verizon’s rule proposals dated January 24, 2006 by changing 30 days to 45 days after receiving a copy of the complaint, respondent will file a response.

**O. Rule 860-028-0100(2)**

1. Whether this subsection (2) of this rule addressing “New or Modified Attachments” should be modified to reflect the following introductory language as proposed in Verizon’s rule proposals dated January 24, 2006: “Unless otherwise agreed to by the parties in their joint use agreements or as otherwise directed by the Commission,”

**P. Rule 860-028-0100(3)**

1. Whether this provision should be deleted as proposed in Verizon’s rule proposals dated January 24, 2006.

**Q. Rule 860-028-0110(3) & (4)(c)**

1. Whether these provisions should be deleted as proposed in Verizon’s rule proposals dated January 24, 2006, or otherwise be made consistent with Commission’s orders in Docket No. UM 1087.

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

1. Whether this subsection should be deleted as proposed in Verizon’s rule proposals dated January 24, 2006.

**S. Rules 860-028-0110(6) and 310(8)**

1. Whether the administrative fees associated with joint use are included in the carrying charges in accordance with Docket No. UM 1087.

Dated: July 21, 2006

VERIZON NORTHWEST, INC.

By: \_\_\_\_\_

Thomas F. Dixon  
707 – 17<sup>th</sup> Street, #4200  
Denver, Colorado 80202  
303-390-6206  
303-390-6333 (fax)  
thomas.f.dixon@verizon.com

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of Verizon's Northwest Inc.'s Proposed Issue's List in OPUC Docket AR 506, by US Mail and electronic mail, to the parties on the attached service list.

Dated this 21, day of July, 2006

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Colleen K. Williams



Susan K. Ackerman  
Attorney  
P.O. Box 10207  
Portland, OR 97296-0207  
[susan.k.ackerman@comcast.net](mailto:susan.k.ackerman@comcast.net)

Matt Coons  
[matt.coons@comspanusa.net](mailto:matt.coons@comspanusa.net)

Jim Deason  
Attorney at Law  
521 SW Clay Street, Ste 107  
Portland, OR 97201-5407  
[jimdeason@comcast.net](mailto:jimdeason@comcast.net)

Roger Kuhlman  
633 7<sup>th</sup> Street NW  
Salem, OR 97304  
[kuhlman@salemelectric.com](mailto:kuhlman@salemelectric.com)

Scott Johnson  
City of Ashland  
90 North Mountain Ave  
Ashland, OR 97520  
[johnsons@ashland.or.us](mailto:johnsons@ashland.or.us)

Denise Estep  
Central Lincoln PUD  
P.O. Box 1126  
Newport, OR 97365  
[destep@cencoast.com](mailto:destep@cencoast.com)

Michael L. Wilson  
Central Lincoln PUD  
2129 N. Coast Hwy  
Newport, OR 97365-0090  
[mwilson@cencoast.com](mailto:mwilson@cencoast.com)

Doug Cooley  
CenturyTel of Oregon Inc.  
707 13<sup>th</sup> Street, Ste 280  
Salem, OR 97301  
[doug.cooley@centurytel.com](mailto:doug.cooley@centurytel.com)

David Luchini  
CenturyTel of Oregon Inc.  
P.O. Box 327  
Aurora, OR 97002  
[dave.luchini@centurytel.com](mailto:dave.luchini@centurytel.com)

Gary Lee  
Charter communications Corp.  
521 NE 136<sup>th</sup> Ave  
Vancouver, WA 98684  
[glee@chartercom.com](mailto:glee@chartercom.com)

Keene C. Basso  
Line Superintendent  
Clatskanie PUD  
P.O. Box 216  
[kbasso@clatskaniepud.com](mailto:kbasso@clatskaniepud.com)

Bill Kiggins  
Clear Creek Mutual Telephone Co.  
18238 S. Fischers Mill Rd.  
Oregon City, OR 970445-9696  
[bkiggins@clearcreek.coop](mailto:bkiggins@clearcreek.coop)

Stephen R. Cieslewicz  
CN Utility Consulting  
P.O. Box 746  
Novato, CA 94948-0746  
[steve@cutility.com](mailto:steve@cutility.com)

Scott Thompson  
Attorney  
Cole Raywid & Braverman LLP  
1919 Pennsylvania Ave, NW Ste 200  
Washington, DC 20006  
[sthompson@crblaw.com](mailto:sthompson@crblaw.com)

Scott Wheeler  
Comcast Phone of Oregon LLC  
9605 SW Nimbus Ave  
Portland, OR 97008  
[scott\\_wheeler2@comcastcable.com](mailto:scott_wheeler2@comcastcable.com)

Sebastian McCrohan  
Comspanusa  
[sebastian.mccrohan@comspanusa.net](mailto:sebastian.mccrohan@comspanusa.net)

Stuart Sloan  
Consumer Power Inc.  
P.O. Box 1180  
Philomath, OR 97370  
[stuarts@cpicoop.com](mailto:stuarts@cpicoop.com)

Andrew McBride  
Coos Curry Electric Cooperative  
P.O. Box 1265  
Port Orford, OR 97465  
[amcbride@cooscurryelectric.com](mailto:amcbride@cooscurryelectric.com)

Linda L. Spurgeon  
Coos Curry Electric Cooperative  
P.O. Box 1265  
Port Orford, OR 97465  
[spurgeon@cooscurryelectric.com](mailto:spurgeon@cooscurryelectric.com)

Sarah K. Wallace  
Attorney at Law  
Davis Wright Tremaine  
1300 SW Fifth Avenue  
Suite 2300  
Portland, OR 97201  
[sarahwallace@dwt.com](mailto:sarahwallace@dwt.com)

Michael T. Weirich  
Assistant Attorney General  
Department of Justice  
Regulated Utility & Business Section  
1162 Court Street, NE  
Salem, OR 97301-4096  
[michael.weirich@doj.state.or.us](mailto:michael.weirich@doj.state.or.us)

Phil Charlton  
Electric Lightwave  
[pcharlton@eli-consulting.com](mailto:pcharlton@eli-consulting.com)

Charles L. Best  
Attorney At Law  
Electric Lightwave  
P.O. Box 8905  
Vancouver, WA 98668-8905

[charles\\_best@eli.net](mailto:charles_best@eli.net)

Nancy Judy  
State Executive  
Embarq Communications Inc.  
902 Wasco Street A0412  
Hood River, OR 97031  
[nancy.judy@embarq.com](mailto:nancy.judy@embarq.com)

Craig Andrus  
Customer Engineering Supervisor  
33733 Seavey Loop Rd.  
Eugene, OR 97405-9614  
[craig.andrus@epud.org](mailto:craig.andrus@epud.org)

Catherine A. Murray  
Manager-Regulatory Affairs  
Eschelon Telecom of Oregon Inc  
730 Second Ave S, Ste 900  
Minneapolis, MN 55402-2489  
[cammurray@eschelon.com](mailto:cammurray@eschelon.com)

Mark Oberle  
Property Manager  
Eugene Water & Electric Board  
P.O. Box 10148  
Eugene, OR 97440  
[mark.oberle@eweb.eugene.or.us](mailto:mark.oberle@eweb.eugene.or.us)

Christy Monson  
Harold Leahy & Kieran  
223 A Street, Ste D  
Springfield, OR 97477-4500  
[ckm@haroldleahy.com](mailto:ckm@haroldleahy.com)

Richard W. Ryan  
President/CEO  
Hunter Communications Inc  
801 Enterprise Dr, Ste 101  
Central Point, OR 97502  
[rryan@coreds.net](mailto:rryan@coreds.net)

Ronald W. Jones  
IBEW Local 659  
4480 Rogue Hwy #3  
Central Point, OR 97502-1695  
[ronjones@ibew659.org](mailto:ronjones@ibew659.org)

Jeannette C. Bowman  
Idaho Power Company  
P.O. Box 70  
Boise, ID 83707  
[jbowman@idahopower.com](mailto:jbowman@idahopower.com)

Brent Van Patten  
Joint Use Engineer  
Idaho Power Company  
P.O. Box 70  
Boise, ID 83707  
[bvanpatten@idahopower.com](mailto:bvanpatten@idahopower.com)

Andrea Fogue  
Senior Staff Associate  
League of Oregon Cities  
P.O. Box 928  
1201 Court Street, NE, Ste 200  
Salem, OR 97308  
[afogue@orcities.org](mailto:afogue@orcities.org)

Scott Rosenbalm  
McMinnville City of Water & Light  
P.O. Box 638  
McMinnville, OR 97128-0638  
[sgr@mc-power.com](mailto:sgr@mc-power.com)

Eugene A. Fry  
Millennium Digital Media  
3633 136<sup>th</sup> Pl, SE # 107  
Bellevue, WA 98006  
[gfry@mdm.net](mailto:gfry@mdm.net)

Brooks Harlow  
Miller Nash LLP  
601 Union Street, Ste 4400  
Seattle, WA 98101-2352  
[brooks.harlow@millernash.com](mailto:brooks.harlow@millernash.com)

Jim Hough  
City Manager  
City of Monmouth  
151 W. Main St.  
Monmouth, OR 97361  
[jhough@ci.monmouth.or.us](mailto:jhough@ci.monmouth.or.us)

J. White

City of Monmouth  
151 W. Main Street  
Monmouth, OR 97361  
[jwhite@ci.monmouth.or.us](mailto:jwhite@ci.monmouth.or.us)

Dave Wildman  
City of Monmouth  
401 N. Hogan Rd.  
Monmouth, OR 97361  
[dwildman@ci.monmouth.or.us](mailto:dwildman@ci.monmouth.or.us)

Michael Dewey  
Executive Director  
Oregon Cable and Telecommunications Assoc  
1249 Commercial Street, SE  
Salem, OR 97302  
[mdewey@oregoncable.com](mailto:mdewey@oregoncable.com)

The Honorable Robert Ackerman  
Oregon House of Representatives  
900 Court Street, NE, Rm H-389  
Salem, OR 97310

Genoa Ingram  
Oregon Joint Use Association  
1286 Court Street, NE  
Salem, OR 97301  
[genoa@westernadvocates.com](mailto:genoa@westernadvocates.com)

John Sullivan  
Oregon Joint Use Association  
2213 SW 153<sup>rd</sup> Dr.  
Beaverton, OR 97006  
[john.sullivan@pgn.com](mailto:john.sullivan@pgn.com)

William C. Woods  
Oregon Joint Use Association  
9605 SW Nimbus Ave  
Beaverton, OR 97008  
[william\\_woods@comcast.com](mailto:william_woods@comcast.com)

Tom O'Connor  
Executive Director  
P.O. Box 928  
Salem, OR 97308-0928  
[toconnor@teleport.com](mailto:toconnor@teleport.com)

Don Godard  
Oregon PUD Association  
727 Center Street NE, Ste 305  
Salem, OR 97301  
[dgodard@opuda.org](mailto:dgodard@opuda.org)

Sandra Flicker  
Oregon Rural Electric Cooperative Assn  
707 13<sup>th</sup> Street, Ste 200  
Salem, OR 97301-4005  
[sflicker@oreca.org](mailto:sflicker@oreca.org)

Jack Evans  
Oregon Rural Electric Cooperative Assn  
3632 Se Dune Ave  
Lincoln City, OR 97367-1740  
[jevans@oreca.org](mailto:jevans@oreca.org)

Brant Wolf  
Executive Vice President  
Oregon Telecommunications Assn  
707 13<sup>th</sup> St SE, Ste 280  
Salem, OR 97301-4036  
[bwolf@ota-telecom.org](mailto:bwolf@ota-telecom.org)

Cece L. Coleman  
Pacific Power & Light  
825 NE Multnomah, Ste 800  
Portland, OR 97232  
[cece.coleman@pacificcorp.com](mailto:cece.coleman@pacificcorp.com)

William Eaquinto  
Vice President of Operations  
Pacific Power & Light  
825 NE Multnomah, Ste 1700  
Portland, OR 97232  
[bill.eaquinto@pacificcorp.com](mailto:bill.eaquinto@pacificcorp.com)

Corey Fitzgerald  
Pacific Power & Light  
825 NE Multnomah, Ste 800  
Portland, OR 97232  
[corey.fitz-gerald@pacificcorp.com](mailto:corey.fitz-gerald@pacificcorp.com)

Randall Miller  
Pacific Power & Light  
1407 W. N. Temple, Ste 220

Salt Lake City, UT 84116  
[randy.miller@pacificcorp.com](mailto:randy.miller@pacificcorp.com)

Bill Cunningham  
Managing Director, Asset Management  
Pacific Corp  
825 NE Multnomah, Ste 1500  
Portland, OR 97232  
[bill.cunningham@pacificcorp.com](mailto:bill.cunningham@pacificcorp.com)

Heidi Caswell  
Pacific Corp  
825 NE Multnomah St.  
Portland, OR 97232  
[heide.caswell@pacificcorp.com](mailto:heide.caswell@pacificcorp.com)

Pete Craven  
Pacific Corp  
825 NE Multnomah, Ste 300  
Portland, OR 97232

Jim Marquis  
Director, O&M Support  
Pacific Corp  
830 Old Salem Rd.  
Albany, OR 97321  
[james\\_l.marquis@pacificcorp.com](mailto:james_l.marquis@pacificcorp.com)

Andrea L. Kelly  
Vice President-Regulation  
Pacific Corp DBA Pacific Power & Light  
825 NE Multnomah Street, Ste 2000  
Portland, OR 97232  
[andrea.kelly@pacificcorp.com](mailto:andrea.kelly@pacificcorp.com)

General Manager  
Pioneer Telephone Cooperative  
1304 Main St  
P.O. Box 631  
Philomath, OR 97370

Richard Gray  
City of Portland-Office of Transportation  
1120 SW 5<sup>th</sup> Ave, Rm 800  
Portland, OR 97204  
[richard.gray@pdxtrans.org](mailto:richard.gray@pdxtrans.org)

Jennifer Busch  
Portland General Electric  
121 SW Salmon St.  
Portland, OR 97204  
[jennifer.busch@pgn.com](mailto:jennifer.busch@pgn.com)

Randall Dahlgren  
Portland General Electric  
121 SW Salmon St., 1WTC-0702  
Portland, OR 97204  
[randy.dahlgren@pgn.com](mailto:randy.dahlgren@pgn.com)

Barbara Halle  
Portland General Electric  
121 SW Salmon St, 1 WTC-13  
Portland, OR 97204  
[barbara.halle@pgn.com](mailto:barbara.halle@pgn.com)

Doug Kuns  
Portland General Electric  
121 SW Salmon St  
Portland, OR 97204  
[doug.kuns@pgn.com](mailto:doug.kuns@pgn.com)

Inara K. Scott  
Portland General Electric  
121 SW Salmon St  
Portland, OR 97204  
[inara.scott@pgn.com](mailto:inara.scott@pgn.com)

John Sullivan  
Portland General Electric  
2213 SW 153<sup>rd</sup> Dr.  
Beaverton, OR 97006  
[john.sullivan@pgn.com](mailto:john.sullivan@pgn.com)

David P. Van Bossuyt  
Portland General Electric  
4245 Kale St, NE  
Salem, OR 97305  
[dave.vanbossuyt@pgn.com](mailto:dave.vanbossuyt@pgn.com)

Thomas F. Dixon  
Verizon  
707 17<sup>th</sup> Street, #4200  
Denver, CO 80202  
[Thomas.f.dixon@verizon.com](mailto:Thomas.f.dixon@verizon.com)

Priorityone Telecommunications Inc.  
P.O. Box 758  
La Grande, OR 97850-6462  
[kmutch@p1tel.com](mailto:kmutch@p1tel.com)

Jerry Murray  
Public Utility Commission  
P.O. Box 2148  
Salem, OR 97308-2148  
[jerry.murray@state.or.us](mailto:jerry.murray@state.or.us)

Gary Putnam  
Public Utility Commission  
P.O. Box 2148  
Salem, OR 97308-2148  
[gary.putnam@state.or.us](mailto:gary.putnam@state.or.us)

Bob Sipler  
Public Utility Commission  
P.O. Box 2148  
Salem, OR 97308-2148  
[bob.sipler@state.or.us](mailto:bob.sipler@state.or.us)

John Wallace  
Public Utility Commission  
P.O. Box 2148  
Salem, OR 97308-2148  
[john.wallace@state.or.us](mailto:john.wallace@state.or.us)

Frank McGovern  
Quality Telephone Inc.  
P.O. Box 141048  
Dallas, TX 75214  
[fmcgovern@qtelephone.com](mailto:fmcgovern@qtelephone.com)

Jeff Kent  
Qwest  
8021 SW Capitol Hill Rd.  
Room 180  
Portland, OR 97219  
[jeffrey.kent@qwest.com](mailto:jeffrey.kent@qwest.com)

Alex M. Duarte  
Qwest Corporation  
421 SW Oak St, Ste 810  
Portland, OR 97204  
[alex.duarte@qwest.com](mailto:alex.duarte@qwest.com)

Barbara Young  
Sprint Communications Co LP  
902 Wasco St – ORHDRA0412  
Hood River, OR 97031-3105  
[barbara.c.young@embarq.com](mailto:barbara.c.young@embarq.com)

Kevin O'Connor  
Time Warner Telecom  
520 SW 6<sup>th</sup> Ave  
Portland, OR 97204  
[kevin.oconnor@twtelecom.com](mailto:kevin.oconnor@twtelecom.com)

Brian Thomas  
Time Warner Telecom  
223 Taylor Ave, North  
Seattle, Wa 98109-5017  
[brian.thomas@twtelecom.com](mailto:brian.thomas@twtelecom.com)

Tom McGowan  
Sprint/United Telephone Co. of the NW  
902 Wasco St  
Hood River, OR 97031  
[tom.a.mcgowan@sprint.com](mailto:tom.a.mcgowan@sprint.com)

Steven Lindsay  
Verizon  
P.O. Box 1033  
Everett, WA 98206  
[steve.lindsay@verizon.com](mailto:steve.lindsay@verizon.com)

Richard Stewart  
Verizon Northwest Inc.  
600 Hidden Ridge  
HQE03J28  
Irving, TX 75038  
[richard.stewart@verizon.com](mailto:richard.stewart@verizon.com)

Renee Willer  
Verizon Northwest Inc.  
20575 NW Von Neumann Dr, OR030156  
Hillsboro, OR 97006

[renee.willer@verizon.com](mailto:renee.willer@verizon.com)

Marty Patrovsky  
Wantel Inc.  
1016 SE Oak Ave  
Roseburg, OR 97470  
[marty.patrovsky@comspanusa.net](mailto:marty.patrovsky@comspanusa.net)