

Unresolved Issues List for Division 28
Submitted by the Oregon Joint Use Association
July 21, 2006

860-028-0020

1. Carrying charges - adjusted for inflation when using old data (860-02800020(3)).
2. Cost of money (860-028-0020(3)(e)(C)).
3. Exclusion of government entities and wireless carriers from definition of “Licensee” (860-028-0020(3)(e)(C)(10)).
4. Incremental costs of make ready (and what’s included) (860-028-0020(3)(e)(C)(11)).
5. Definition of “Pattern” (860-028-0020(3)(e)(C)(17)).
6. Pole cost (Should pole costs be limited to distribution poles?) (860-028-0020(3)(e)(C)(20)).
7. Preconstruction and preconstruction costs (wordsmithing) (860-028-0020(3)(e)(C)(21)) and (860-028-0020(3)(e)(C)(22)).
8. Special inspections (as opposed to routine inspections—define which are routine, for purpose of allocating costs) (860-028-0020(3)(e)(C)(26)) (Verizon has language—consolidate inspection types) Define “post construction inspection”.
9. Threshold number of poles—does the threshold apply per day? Per month? What is the time frame? (860-028-0020(3)(e)(C)(31)).
10. If “agreement” is left in, it should be defined. What constitutes “unauthorized”? (860-028-0020(3)(e)(C)(32)).
11. Lack of agreement regarding “safety clearance space” (second time it’s used) (860-028-0020(3)(e)(C)(33)).

860-028-0050

1. What is included in the term “utility pole”? (860-028-0050(1)(a)).

860-028-0060

1. Wordsmith Subsection 4—it is silent on what happens if parties are not negotiating.
2. Subsection 4Add words “for existing facilities” after the word “effect”.

860-028-0070

1. Subsection 4(e)(B)—wordsmith for clarity (complainant, not licensee) and timeframes (we definitely like 60 days, not 30).
2. Include OJUA participation during dispute resolution prior to issuing a resolution.
3. Set 180-day timeframe for Commission ruling—we would be willing to consider other timeframes for the Commission.

860-028-0080

1. Clarify how each entity is paying its way in the dispute process.

860-028-0100

1. Subsection 1—we believe that it should include government entities, not just consumer-owned utilities.
2. Subsection 3—should be “14” calendar days (‘calendar days’ is consistent throughout).

860-028-0110

1. Subsection 2 and 3—Elimination of “usable space” could be an issue. A brace or p-hook (for example) attached to a pole does not decrease the usability of the space. ‘Usable space’ needs to be defined.
2. Subsection 4—needs more work to reach consensus.
3. Subsection 4—most existing permits don’t specify amount of authorized space.
4. Subsection 5—refers to all work allowed under 0100 rather than ‘make ready’ work only—we don’t like that.
5. Subsection 6—Add language to reflect onus on licensee to request info, response required from owner, timeframe for making response, and suspension of billing until response is received.

860-028-0115

1. Subsection 3a—owner should be required to respond if licensee notes a problem on the pole and requests a response. “Upon notification by a licensee, the structure owner will respond pursuant to ...” still needs to be worked out.
2. Possible addition of cost recovery mechanism for licensee costs incurred when disproving sanctioned pole violations.
3. Communication protocol should be “mutually agreeable” between the parties.

860-028-0120

1. Consensus on OJUA’s language for this section.
2. Add language similar to that proposed for 0110 Subsection 6 (see above).
3. Address remedies for governmental entities failing to permit, being non-compliant, etc.

860-028-0130

1. Address the amount of the fine. (Higher of the two? Should it be adjusted for inflation?)

860-028-0140

1. Address the amount of the fine.
2. Are reduced rates and sanctions having the desired outcome?
3. Sanctions should be used to make ratepayer whole (recover revenue).
4. Should the punitive portion be allocated to the OJUA to further promote cooperation between pole owners and users?
5. Address abuses of sanctions.
6. OJUA is reworking the issues of subsidizing licensees through rent reduction and sanctions as a whole.

860-028-0150

1. Address the amount of the fine.

860-028-0160

1. Define sanctions “per pole” as per pole.

860-028-0180

1. Address the amounts of the sanction escalations.
2. Should 860-028-140 to 860-028-180 apply to government entities?

860-028-0190

1. Address what specifics should be included in notices of violations (i.e. specific pole location, maps, etc.).

860-028-0200

1. Include legislation in (1)(a).
2. Modify subsection 2 to clarify the parties involved in disputes may not be part of the decision making process at either the Conflict Resolution Committee level or OJUA Board of Directors.