



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

July 21, 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 Issues List Regarding Division 28

Dear Ms. Bailey-Goggins,

Enclosed for filing are five (5) copies of PacifiCorp's Issues List Regarding Division 28 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
ISSUES LIST
REGARDING
DIVISION 28
July 21, 2006**

Pursuant to the procedural schedule established in this rulemaking docket, PacifiCorp respectfully submits this filing for purposes of incorporating by reference and acknowledging its support for the issues list being submitted, on this date, by the Oregon Joint Use Association (“OJUA”), with the exception of those issues that refer to rules outside the scope of the Notice of Proposed Rulemaking (AR 506 phase II)¹. In addition, PacifiCorp proposes to supplement the OJUA’s list with eight additional issues that it believes warrant further discussion and consideration by the Administrative Law Judge and the Commission.

Specifically, and with regard to the Commission Staff’s most recently proposed Pole and Conduit Attachment Rules (Division 28), dated June 15, 2006, PacifiCorp proposes the Administrative Law Judge and the Commission consider all of the issues identified in the issues list submitted by the OJUA that are within the scope of this rulemaking, plus:

- 1) In AR 860-028-0020, Subsection (25): Whether the definition of “service drop” is sufficient?
- 2) In AR 860-028-0100, Subsection (4): Whether 45 days is a more appropriate timeframe within which to respond to an applicant regarding its application?

¹ Should the Commission decide to expand the scope of this rulemaking to include additional rules, PacifiCorp reserves the right to review the revised notice and to supplement its issues list, to the extent it deems necessary and appropriate.

- 3) In AR 860-028-0100, Subsection (4)(d): Whether it is appropriate to allow an application to be “deemed approved”, without any prior notice to the pole owner?
- 4) In AR 860-028-0100, Subsection (4)(d): Whether it is appropriate to allow an applicant to begin construction, to include made-ready work (*e.g.*: pole replacement, etc.), given the risks posed to safety and reliability?
- 5) In AR 860-028-0100, Subsection (6): Whether it is appropriate to allow an applicant to have any say over who performs preconstruction activity and make ready work, particularly involving electrical facilities, on a pole-owner’s poles?
- 6) In AR 860-028-0100, Subsection (6): Whether the pole-owner retains the exclusive right to hire/fire contractors to perform make-ready work on its poles?
- 7) In AR 860-028-0100, Subsection (6): Whether the pole-owner retains the exclusive right to require contractors, working on its poles, to meet the pole-owner’s own standards/specifications, in addition to all other applicable rules and standards?
- 8) In AR 860-028-0115, Subsection (1): Whether it is appropriate to remove the reference to towers?

CONCLUSION

PacifiCorp appreciates the opportunity to identify these issues for further review and consideration, and reserves the right to supplement its issues list and/or file comments on any new issues that may surface within the scope of this rulemaking. Further, PacifiCorp appreciates the efforts of the Staff and it looks forward to participating in Phase II of this rulemaking process.

Respectfully submitted,



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