



September 28, 2006

ALJ Christina Smith  
OPUC  
550 Capitol Street NE #215  
Salem, Oregon 97308-2148

Re: Docket number AR 510, Oregon Joint Use Association (OJUA) Draft Rules Related to Pole Attachment Sanctions, OAR 860-028-0120 through 860-028-0240.

The Oregon Telecommunications Association (OTA) is a statewide trade association representing incumbent local exchange carriers operating throughout Oregon. The OTA appreciates the opportunity to submit comments in AR 510.

**860-028-0120 (4)** – OTA supports the OJUA proposed language.

**860-028-0120 (5)** – OTA supports the OJUA proposed language.

**860-028-0130 (2)** – OTA supports the proposed new language submitted by OJUA. However, the OTA feels that government entities that are pole occupants should be subject to the same rules as other pole occupants and will support OPUC Legislative Concept 860/3. If enacted OPUC Legislative Concept 860/3 would amend ORS 757.270 and ORS 759.650 to include government entities providing retail electricity or telecommunications service as licensees subject to pole attachment requirements.

**860-028-0150 (2) (a) (b)** – OTA supports the OJUA proposed language.

**860-028-0150 (3)** – OTA supports the OJUA proposed language.

**860-028-0190** – OTA supports the OJUA proposed language. If approved, the proposed language would help reduce the time needed to prepare plans of correction.

**860-0228-0240** – OTA supports the OJUA proposed effective date of these rules.

The OTA appreciates the effort of the OJUA Board of Directors in preparing these draft rules. If enacted, these rules will significantly reduce the problems experienced by our members relating to the joint use of poles.

The OTA would like to take this opportunity to comment on issues not addressed by these proposed rules.

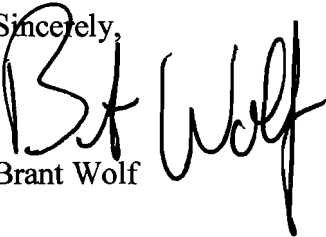
As indicated above, the OTA believes that government entities that are pole occupants acting as providers of retail utility services should be treated the same as any other pole occupant. If the purpose of these rules is to ensure that all occupants are attaching their facilities safely and legally then it makes little sense to carve out one group of occupants and exempt them from these rules.

The OTA believes that revenue derived from punitive sanctions related to NESC code violations should be directed towards educational efforts that would help ensure a safe working environment is maintained. Revenue derived from punitive sanctions should not flow to the pole owner.

Additionally, the OTA would like to determine in this proceeding if punitive sanctions for NESC code violations are levied against pole owners. If so, who levies these sanctions and where does that revenue flow?

Please do not hesitate to contact me if you have questions about these comments.

Sincerely,

A handwritten signature in black ink that reads "Brant Wolf". The signature is written in a cursive style with a large, stylized "B" and "W".

Brant Wolf