



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

August 4, 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 Comments Regarding Division 28 Issues Lists

Dear Ms. Bailey-Goggins,

Enclosed for filing are five (5) copies of PacifiCorp's Comments Regarding Division 28 Issues Lists 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  
COMMENTS  
REGARDING  
DIVISION 28  
ISSUES LISTS  
August 4, 2006**

Pursuant to the procedural schedule established in this rulemaking docket, PacifiCorp respectfully submits these comments to respond to the Issues Lists submitted by several industry participants in phase II of AR506.

**COMMENTS**

PacifiCorp has observed that a number of issues were filed by Verizon, Qwest and the OJUA, that reference rules not contemplated within the scope of this rulemaking. To the extent the parties and the public have not been notified, in accordance with the Administrative Procedures Act, that such additional issues will be considered in the context of this rulemaking, PacifiCorp submits that those issues should be stricken or ignored by the Commission.

ORS 183.335(2)(a)(B) requires the agency to provide an objective, simple and understandable statement summarizing the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected. In this instance, PacifiCorp believe the Phase II Notice of Proposed Rulemaking makes it

clear, that the intent of phase II is to address the proposed new and amended attachment rules applicable to owners and occupants involved in the shared usage of utility poles, conduits and other AR 506 Phase II facilities. More specifically, the public has been put on notice that this phase will specifically address owner-occupant contracts, the dispute resolution processes, and attachment installation practices, and the Notice identifies, by rule number, those provisions to be considered for adoption or amendment.

There is nothing in the Notice of Proposed Rulemaking that suggests the Commission intends to entertain any discussion regarding the adoption, amendment, or repeal of rules 860-028-0120 through 860-028-0200. Such rules are neither identified nor discussed within the context of the Caption, the Rulemaking Action, or the Summary of the rules. To the extent any issues referencing rules 860-028-0120 through 860-028-0200 appear on the list of any participant, or anyone attempts to suggest that changes should be made to those rules, PacifiCorp submits that such issues are outside the scope of this rulemaking, as it was noticed, and should be stricken or ignored by the Commission.

### **CONCLUSION**

PacifiCorp supports the Commission in this rulemaking and agrees that clarification is needed for the rules cited in the Notice, but it does not support the discussion of issues or the adoption of rules that exceed the scope of the Notice for this rulemaking. Therefore, PacifiCorp respectfully requests that the Commission limit its consideration to those issues that address rules, which are properly referenced and contained within the Phase II

Notice of Proposed Rulemaking, and disregard those issues submitted by Verizon, Qwest, and the OJUA, that exceed the scope of the Notice. .

Respectfully submitted,

  

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Cece L. Coleman,

Senior Counsel

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