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May 25, 2006

***Via U.S. Mail & Electronic Mail***

Public Utility Commission of Oregon  
Attn: Filing Center  
550 Capitol St NE #215  
PO Box 2148  
Salem OR 97308-2148

Re: AR 506 - Division 24: Comments of CLPUD and NWCPUD

Enclosed for filing are the Comments of Central Lincoln Peoples' Utility District and Northern Wasco County Peoples' Utility District Regarding proposed Revised Division 24 Safety Rules.

Please do not hesitate to call me if you have questions.

Very truly yours,

***/s/ Susan K. Ackerman***

Susan K. Ackerman

Enclosures

cc: Paul Davies  
Dwight Langer

### **Certificate of Service**

I certify that I have this day served the foregoing document upon all parties of record in AR 506 by delivering a copy by electronic mail pursuant to all parties or attorneys of parties, attached below.

Dated this 26<sup>th</sup> day of May, 2006.

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BEFORE THE  
PUBLIC UTILITY COMMISSION OF OREGON

AR 506

In the Matter of a Rulemaking to Amend and )  
Adopt Permanent Rules in OAR 860, Divisions )  
24 and 28, Regarding Pole Attachment Use )  
and Safety. )  
\_\_\_\_\_ )

COMMENTS OF  
CENTRAL LINCOLN PEOPLES' UTILITY DISTRICT AND  
NORTHERN WASCO COUNTY PEOPLES' UTILITY DISTRICT

Pursuant to the procedural order in this docket, Central Lincoln Peoples' Utility District ("Central Lincoln") and Northern Wasco County Peoples' Utility District ("Northern Wasco") hereby submit the following comments regarding proposed Division 24 Safety Rules in this docket.

Central Lincoln and Northern Wasco own and operate electric distribution systems in localized environments in Oregon (the Oregon coast and the Columbia River Gorge) that are characterized by high winds.

Because these local conditions raise perhaps more safety issues than would be the case in other areas of Oregon, Northern Wasco and Central Lincoln are particularly interested in safety rules that are clear and fair to both owners and users of utility poles. We believe safety will be enhanced when

the rules are clear and fair. Central Lincoln and Northern Wasco appreciate Commission Staff's effort to develop and adopt clear and fair safety rules in this docket.

I. General Support for OJUA's Comments Regarding Safety Rules

The Oregon Joint Use Association ("OJUA") has undertaken numerous discussions regarding the Staff's proposals. Central Lincoln participated directly in the OJUA discussions, and the OJUA was able to come to a consensus in most instances about what safety rules are appropriate or necessary. Central Lincoln and Northern Wasco therefore support the comments of the OJUA filed on May 3, 2006, in this docket.

All pole owners and users have an interest in safe operation of the utility distribution systems. While it is unlikely that owners and users will always see eye-to-eye regarding the joint use of utility poles, Central Lincoln and Northern Wasco generally view industry consensus regarding the rules as a good starting point for future safe operations. Because the OJUA consensus position was developed by industry in a give and take environment, these parties should be motivated to implement the agreements reached to preserve the mutual benefits of their consensus. Central Lincoln and Northern Wasco expect that consensus rules should therefore minimize

industry difficulties, to the benefit of the State's citizens. The utilities urge the Commission to adopt the OJUA proposed rules.

## II. Communications Operators and Vegetation Trimming

At the May 18, 2006, workshop in this docket, the parties and the Commission addressed whether communications operators should be obliged to trim or remove vegetation when it comes into contact with their facilities and the contact poses a safety risk to the supporting pole structure. The parties appeared to reach a consensus that communications operators should be obligated to trim or remove vegetation under such circumstances, but that the obligation can be moved from Division 24 to the Division 28 Rules. The parties also appeared to be in consensus that the Division 28 rules would also contain an express statement that pole owners may trim or remove vegetation in contact with a communications operator's facilities and recover the cost of vegetation management from pole users in rental rates or other appropriate mechanisms, such as direct billing of these expenses.

Based on this understanding of the May 18 vegetation removal discussions, Central Lincoln and Northern Wasco support the consensus reached (described in the paragraph above) regarding communications operators' vegetation trimming or removal obligations. We ask the Administrative Law Judge to note this agreement in the Order adopting the

Division 24 rules such that it may be implemented in the next phase of this proceeding regarding Division 28 rules.

DATED this 25<sup>th</sup> day of May, 2006.

Respectfully submitted,

CENTRAL LINCOLN &  
NORTHERN WASCO

*/S/ Susan K. Ackerman*

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