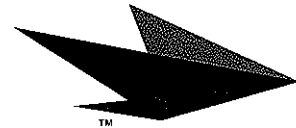


Voice | Data | Internet | Wireless | Entertainment



EMBARQTM

Embarq Corporation
EMBARQ.com

May 25, 2006

Public Utility Commission of Oregon
Attn: Filing Center
P.O. Box 2148
550 Capital Street NW, Suite #215
Salem, Oregon 97308-2148

RE: OPUC Docket AR 506 - In the Matter of a Rulemaking to Amend and Adopt
Permanent Rules in OAR 860 Division 24 Regarding Pole Attachment Use and Safety

Enclosed please find the Comments of United Telephone Company of the Northwest
d/b/a EMBARQ on the proposed rules in the above-captioned docket. As a courtesy, we
have provided an electronic copy of these documents to the service list.

Sincerely,

Nancy L. Judy
State Executive – OR/WA

Enc.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

In the Matter of)	
)	
Rulemaking to Amend and Adopt)	AR 506
Permanent Rules in OAR 860, Division)	Second Round of Comments
24 and 28, Regarding Pole Attachment)	of United Telephone Company of the
Use and Safety)	Northwest
.....)	

INTRODUCTION

United Telephone Company of the Northwest d/b/a Embarq (“Embarq”) respectfully submits the following comments regarding the revision of Proposed Rules issued on May 23, 2006. Embarq appreciates the effort that Staff has made to reach compromises with the industry, especially the removal of the training requirements previously included in OAR 860-0011 (1)(b)(c). As the OJUA noted in its May 1, 2006 comments, the rule was unnecessary since operators must provide training under NESC 410(A)(2). In addition, Embarq supports the revisions to OAR 860-024-0014 which move the “Duties of Electric Supply and Communication Structure Owners” to Division 28 .

COMMENTS

OAR 860-024-0011 – Joint Scheduling of Inspections

Embarq is troubled by the proposed rule 860-024-0011(1)(b) which would mandate that operators of communication facilities inspect the same geographic area designated by the electric operators.

While on the surface the requirement that operators coordinate and jointly inspect facilities would seem to be the most economical way to conduct inspections, there are many instances for which the rule could backfire. Embarq operates across the state and interfaces with eleven different operators of electrical facilities in Oregon. This rule would require Embarq to inspect the geographic areas designated by all eleven electric operators, every year. Each electric operator may select a different geographic area so Embarq could be required to conduct inspections in eleven different areas of the state, some or all of which could occur simultaneously. Such a requirement is simply infeasible given our manpower, and would impose a burdensome, costly and counter-productive process for operators of communication facilities. One of the ways it would be counter-productive is that a company could be required to inspect an area that it just inspected a year ago. If safety is the goal, the company's resources would be better spent concentrating on an area it hasn't inspected for many years.

Although the revised rule would permit Embarq to appeal for an alternate plan if, as a consequence of the rule, the Company had to inspect more than 15% of its facilities, it is conceivable that the mandatory coordination would always lead to an appeal. With all due respect, Embarq asks the Commission to focus on the end goal: safe facilities, and leave it to the companies to determine how they will meet the 10-year requirement.

Companies have every incentive to coordinate inspections with electric operators when and where it is feasible and cost-effective for both parties, and in fact, do so today.

Embarq agrees with Verizon that existing economic incentives should be sufficient to encourage operators to work together.

For the reasons enumerated above, Embarq proposes the following changes to the proposed rule 860-024-0011 (1)(b):

Conduct detailed inspections of its overhead facilities to identify violations of the Commission Safety Rules. The maximum interval between detailed inspections is ten years, with a required inspection rate of approximately 10 percent of overhead facilities per year. An operator may seek a waiver from the Commission of the approximately 10 percent of overhead facilities per year requirement for good cause shown. ~~This inspection must cover the geographic area designated in subsection (2)(a) of this rule by the operator of electric supply facilities within the planned year. Operators of communication facilities are required to inspect, either jointly or independently, the same geographic area designated by the operators of the electric supply facilities during the same designated annual period. Detailed inspections include...~~

If the Commission is not persuaded by Embarq's arguments, Embarq urges the Commission to at least consider the OJUA's proposal that would change the language in OAR 860-024-0011 (1)(b) from, "This inspection *must* cover the geographic area" to "This inspection *should* cover the geographic area."

OAR 860-024-0012 Prioritization of Repairs

Finally with regard to prioritization of repairs, 860-024-0012, Embarq certainly agrees that it should immediately repair any violations that pose an imminent danger to life. For safety violations that pose less risk, Embarq supports OJUA's Inspection/Correction Committee Final Report that proposes three classifications of NESC violations. Embarq suggests that Category C violations should be scheduled for correction outside of the two-year mandate proposed by staff in 860-024-0012 (2). This proposal is still well beyond the requirements of the NESC 214(A)(4) and (5) which essentially do not impose timeframes for corrections but rather leaves it up to the company to manage its fiscal priorities and duties to ratepayers.

Embarq appreciates the opportunity to comment on the proposed rules and looks forward to further discussion.

Dated this 25th day of May, 2006.

Respectfully submitted,

Nancy L. Judy
State Executive
Embarq Corporation
902 Wasco Street
Hood River, OR 97031
Telephone 541-387-9265
Facsimile 541-387-9753