

## Pole and Conduit Attachments

860-028-0020

### Definitions for Pole and Conduit Attachment Rules

For purposes of this Division:

(1) "Attachment" has the meaning given in ORS 757.270 and 759.650.

**(2) "Authorized attachment space" means the space occupied by one or more attachments on a pole by a licensee or occupant with the pole owner's permission, pursuant to a pole attachment agreement.**

**(3) "Carrying charge" means the costs incurred by the owner in owning and maintaining poles or conduits regardless of the presence of pole attachments or occupation of any portion of the conduits by licensees. The carrying charge is expressed as a percentage. The carrying charge is the sum of the percentages calculated for the following expense elements, using owner's data from the most recent calendar year **available, adjusted for inflation: (NOTE: The OJUA recommends this issue be deferred to workshop.)** [Staff revision 061206] and that are publicly available to the greatest extent possible:**

**(a) The administrative and general percentage is total general and administrative expense as a percent of net investment in total plant.**

**(b) The maintenance percentage is maintenance of overhead lines expense or conduit maintenance expense as a percent of net investment in overhead plant facilities or conduit plant facilities.**

**(c) The depreciation percentage is the depreciation rate for gross pole or conduit investment multiplied by the ratio of gross pole or conduit investment to net investment in poles or conduit.**

**(d) Taxes are total operating taxes, including, [Staff revision 061206]but not limited to, current, deferred, and "in lieu of" taxes, as a percent of net investment in total plant.**

**(e) The cost of money is calculated as follows:**

**(A) For a telecommunications utility, the cost of money is equal to the rate of return on investment authorized by the Commission in the pole or conduit owner's most recent rate or cost proceeding;**

**(B) For a public utility, the cost of money is equal to the rate of return on investment authorized by the Commission in the pole or conduit owner's most recent rate or cost proceeding; or**

**(C) For a consumer-owned utility, the cost of money is [Staff revision 061206] equal to the weighted average of the utility's embedded cost of debt and the most recent cost of equity authorized by the Commission for ratemaking purposes for an electric company as defined in OAR 860-038-0005.**

**(24) "Commission pole attachment rules" mean ~~OAR 860-028-0110 through 860-028-0240~~ the rules provided in OAR Chapter 860, Division 028.**

**(35) "Commission safety rules" mean ~~OAR 860-024-0010~~ the rules provided in OAR Chapter 860, Division 024.**

**(46) "Conduit" means any structure, or section thereof, containing one or more ducts, conduits, manholes, or handholes, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cables ~~rights of~~**

way, owned or controlled, in whole or in part, by one or more public, telecommunications, or consumer-owned utilities.

(57) “Consumer-owned utility” has the meaning given in ORS 757.270.

**(7.1) “Day” means any one day of a 365 days in a calendar year, unless otherwise specified.**

**(8) “Duct” means a single enclosed raceway for conductors or cables.**

(69) “Government entity” means a city, a county, a municipality, the state, or other political subdivision within Oregon.

(710) “Licensee” has the meaning given in ORS 757.270 or ORS 759.650. **“Licensee” does not include a government entity.**

**(NOTE: On October 9, 2006, the OJUA reversed its position and voted to remove the exclusion of wireless carriers from the definition of “Licensee.”)**

**(11) “Make ready work” means administrative, engineering, or construction activities necessary to make a pole, conduit, or other support equipment available for a new attachment, attachment modifications, or additional facilities. Make ready work costs are nonrecurring costs, and are not contained in carrying charges.**

**(12) “Net investment” is equal to the gross investment, from which is first subtracted the accumulated depreciation, from which is next subtracted related accumulated deferred income taxes, if any.**

**(13) “Net linear cost of conduit” is equal to net conduit investment ~~in conduit~~ divided by the total length of conduit in the system ~~multiplied by the number of ducts in the system~~.**

**(814) “Notice” means written notification sent by mail, electronic mail, telephonic facsimile, or ~~telefax~~ other such means.**

(915) “Occupant” means any licensee, government entity, or other entity that constructs, operates, or maintains attachments on poles or within conduits.

(106) “Owner” means a public utility, telecommunications utility, or consumer-owned utility that owns or controls poles, ducts, or conduits ~~or rights-of-way~~.

(147) “Pattern” means a coursepattern of behavior that results in a material breach of a contract, or permits, or in frequent ~~or serious~~ violations of OAR 860-028-0120.

**(18) “Percentage of conduit capacity occupied” means the product of the quotient of the number “one” divided by the number of inner ducts multiplied by the quotient of the number “one” divided by the number of ducts in the conduit [i.e. (1/Number of Inner Ducts (≥2)) x (1/Number of Ducts in Conduit)].**

**(19) “Permit” means the written or electronic record or invoice by which an owner authorizes [Staff revision 061206] ~~a licensee or an occupant~~ to attach one or more attachments on a pole or poles, in a conduit, or on support equipment.**

**(20) “Pole cost” means the depreciated original installed cost of an average bare distribution pole to include support equipment of the pole owner, from which is subtracted related accumulated deferred taxes, if any. There is a rebuttable presumption that the average bare distribution pole is 40 feet and the ratio of bare pole to total pole for a public utility or consumer-owned utility is 85 percent, and 95 percent for a telecommunications utility.**

**[Staff revision 061206] (21) “Post construction inspection” means work performed to verify and ensure the construction complies with the permit, governing agreement, and Commission safety rules.**

~~(21)~~ **(22) “Preconstruction [Staff revision 061206] activity” means engineering, survey and estimating work required to prepare cost estimates for an attachment application, by which the applicant may use to permit or re-route. Pre-construction activity includes costs incurred as a result of a occupant request up to but not including make ready or carrying charges.**

~~(22)~~~~(1223)~~ “Public utility” has the meaning given in ORS 757.005.

~~(23)~~~~(1324)~~ “Serious injury” means “serious injury to person” or “serious injury to property” as defined in OAR 860-024-0050.

~~(24)~~~~(1425)~~ “Service drop” **for the purpose of permitting (OAR 860-028-120(3)) means a connection from distribution facilities to a single family, duplex, or triplex residence or similar small commercial facility the overhead conductors between the electric distribution supply or communication distribution line and the building or structure being served, not to exceed 1,000 feet and not using a separate supporting messenger.**

~~(25)~~~~(26)~~ **“Special inspection” means an owner’s field visit made at the request, [Staff revision 061206] and for the benefit, of the licensee for all nonperiodic inspections. A special inspection does not include preconstruction activity or post construction inspection. (NOTE: The OJUA recommends this issue be deferred to workshop.)**

~~(26)~~~~(27)~~ **“Support equipment” means guy wires, anchoring systems, anchor rods, and other accessories of the pole owner used to support the structural integrity of the pole to which the licensee is attached. by the licensee to support or stabilize pole attachments.**

~~(27)~~~~(28)~~ **“Support equipment cost” means the average depreciated original installed cost of support equipment.**

~~(28)~~~~(29)~~ **“Surplus ducts” means ducts other than: (a) those occupied by the conduit owner or a prior licensee; (b) an unoccupied duct held for emergency use; or (c) other unoccupied ducts that the owner reasonably expects to use within the next 60 months.**

~~(29)~~~~(1530)~~ “Telecommunications utility” has the meaning given in ORS 759.005.

~~(30)~~~~(31)~~ **“Threshold number of poles” means 50 poles, or one-tenth of one percent (0.10 percent) of the owner’s poles whichever is less, over any 30 calendar day period.**

~~(31)~~~~(32)~~ **“Unauthorized attachment” means an attachment that does not have a valid permit [Staff revision 061206] and a governing agreement subject to the provisions of 860-028-0120(1).**

~~(32)~~~~(33)~~ **“Usable space” as used in OAR 860-028-110(2) means all the space on a pole, except: the portion below ground level, the 20 feet of safety clearance space above ground level, and the communication worker safety zone safety clearance space between the communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground level.**

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 757.035, 757.270 through 757.290, 759.045 & 759.650 through 759.675

Hist.: PUC 15-2000, f. 8-23-00 & ef. 1-01-01 (Order No. 00-467); renumbered from OARs 860-022-0110 and 860-034-0810; PUC 23-2001, f. & ef. 10-11-01 (Order No. 01-839)