



May 25, 2006

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 – Joint Use and Safety Rules

Dear Ms. Bailey-Goggins,

Enclosed for filing in the above-captioned docket is PacifiCorp's Second Round of Comments. A copy of this filing has been served on all parties to this proceeding as indicated on the attached certificate of service.

Very truly yours,

A handwritten signature in black ink that reads "Andrea L. Kelly". There is a small mark resembling the number "13" written below the signature.

Andrea L. Kelly  
Vice President, Regulation

Enclosures  
cc: Service List

**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  
SECOND ROUND  
OF COMMENTS ON  
DIVISION 24  
May 25, 2006**

Pursuant to the procedural schedule established in this rulemaking docket, PacifiCorp respectfully submits this Second Round of Comments in response to the Commission Staff’s most recently proposed Division 24 “post-workshop” safety rules, circulated on or about May 23, 2006. PacifiCorp believes the workshops on May 11 and May 18 were helpful to the process and yielded some positive results, which are reflected in the Staff’s most current draft of their proposed Division 24 rules. There are, however, several issues that remain unresolved, and PacifiCorp would like to take this opportunity to provide the Commission with its perspective on two of those rules, namely, 860-024-0012—Prioritization of Repairs and 860-024-0016—Minimum Vegetation Clearance Requirements, and also provide comment on the subject of criteria for compliance evaluations--a new subject that surfaced during the May 18, 2006, workshop.

**COMMENTS**

With respect to OAR 860-024-0012, PacifiCorp is of the opinion that Staff’s proposed language would impose unreasonable and impractical timelines without

regard to the degree of risk posed by the condition, if any, and without regard to the cost required to achieve compliance within such timelines.

In its prior comments, PacifiCorp supported the Oregon Joint Use Association's (OJUA's) proposed changes to this rule, as a means to achieve a reasonable compromise on this issue amongst all parties. However, Staff's latest draft suggests that Staff did not find the OJUA's proposed compromise language acceptable. Therefore, in an effort to bridge the gap, PacifiCorp would like to propose that the Commission consider a policy that has been adopted and implemented in the State of California whereby infractions that pose an immediate risk of safety should be corrected immediately; infractions that could pose a risk of safety should be corrected within two years; and all other infractions should be corrected within ten years. Such a policy imposes a requirement to immediately address conditions/defects that pose an imminent danger to life or property. It further mandates that other conditions be addressed within two years, with the option to defer those conditions that cannot reasonably be expected to endanger life or property, until the next opportunity when crews are dealing with the facility, but in no instance longer than 10 years. PacifiCorp believes this is the best balance of safety/risk against costs, and one that may still be considered unreasonably aggressive for some in the industry, depending upon the frequency with which they visit their facilities. Nonetheless, PacifiCorp views it as a vast improvement over the time frames imposed under Staff's prioritization of repair rule, because it affords the industry a little more flexibility to evaluate conditions/defects, and address non-threatening conditions within a time frame which allows for better

balancing of benefits and cost, while at the same time imposing a definitive timeline within which compliance must be achieved.

With respect to OAR 860-024-0016, PacifiCorp concurs with most of the changes proposed by Staff, but believes that a six-inch rule would be more appropriate and reasonable than the “18-inch” rule currently proposed by Staff in 860-024-0016(5)(c)(B). In this instance, PacifiCorp applauds the Staff’s efforts to provide clarity to this rule. Without such clarity, “infrequent intrusion” could be construed differently, depending upon the observer, and would likely frustrate compliance and enforcement personnel. The establishment of an objective measure seems to be the best means for assuring compliance with the “zero tolerance” policy for tree contact with conductors. And, if “zero tolerance” is the goal, it can be achieved with a six-inch rule vs. an 18-inch rule. The six-inch rule is supported in the Urban-Wildland Interface Code, which was developed by the International Fire Code Institute. The International Fire Code Institute determined the six-inch clearance requirement to be four times the 1 ½-inch maximum flash distance between trees and primary voltage lines. They considered a quadruple safety factor to be adequate. PacifiCorp believes it will be adequate in Oregon too, and should therefore be adopted as the standard.

Finally, PacifiCorp would like to encourage and support the inclusion of a new provision, within the text of the vegetation management rule, which establishes a statistically valid methodology for compliance evaluation. Currently, the issuance of “Probable Violations” and “System-Wide Program Violations” seem to be predicated on field observations of non-compliant conditions. The criteria, relied

upon by the Safety Staff, are not clear, so companies are unable to identify which aspects of their program could or would trigger the issuance of a “System-Wide Program Violation”. In the absence of metrics to guide compliance thresholds, the issuance of “Program Violations” also run the risk of appearing somewhat arbitrary. The adoption of a statistically valid methodology for compliance evaluation would remedy most of these concerns, and should be afforded serious consideration, by the Commission.

### **CONCLUSION**

PacifiCorp appreciates the opportunity to provide these comments and looks forward to reviewing the comments and proposals of others. And, although the hearing date is drawing near, PacifiCorp would welcome the opportunity to further discuss these rules in an effort to reach compromise on the unresolved issues prior to the hearing on June 1, 2006.

Respectfully submitted,



Cece L. Coleman,  
Senior Counsel  
PacifiCorp  
825 NE Multnomah Street, Suite 1700  
Portland, Oregon 97232  
Telephone 503-813-6762  
Facsimile 503-813-7252

CERTIFICATE OF SERVICE

AR 506

I certify that I have, this day, served Division 24 PacifiCorp's Second Round of Comments, dated May 25, 2006, upon all participants of record in this proceeding by electronic mail as indicated on the attached service list.

Dated at Portland, Oregon, this 25th day of May, 2006.

*Cece L Coleman*

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On behalf of the Staff of  
Pacific Power & Light

MATT COONS matt.coons@comspanusa.net	<b>HAROLD LEAHY &amp; KIERAN</b> CHRISTY MONSON ckm@haroldleahy.com
JIM DEASON ATTORNEY AT LAW jimdeason@comcast.net	<b>MCMINNVILLE CITY OF WATER &amp; LIGHT</b> SCOTT ROSENBALM sgr@mc-power.com
<b>ASHLAND CITY OF</b> SCOTT JOHNSON johnsons@ashland.or.us	<b>LEAGUE OF OREGON CITIES</b> ANDREA FOGUE afogue@orcities.org
<b>CENTRAL LINCOLN PUD</b> DENISE ESTEP destep@cencoast.com MICHAEL L WILSON mwilson@cencoast.com	<b>IDAHO POWER COMPANY</b> JEANNETTE C BOWMAN jbowman@idahopower.com TOM WICHER twicher@idahopower.com
<b>CENTURYTEL OF OREGON INC</b> DOUG COOLEY doug.cooley@centurytel.com	<b>MILLENNIUM DIGITAL MEDIA</b> EUGENE A FRY gfry@mdm.net
<b>CHARTER COMMUNICATIONS CORP</b> GARY LEE glee@chartercom.com	<b>MILLER NASH LLP</b> BROOKS HARLOW ATTORNEY brooks.harlow@millernash.com
<b>CLEAR CREEK MUTUAL TELEPHONE CO</b> BILL KIGGINS bkiggins@clearcreek.coop	<b>MONMOUTH CITY OF</b> JIM HOUGH jhough@ci.monmouth.or.us
<b>CN UTILITY CONSULTING</b> STEPHEN R CIESLEWICZ steve@cnutility.com	<b>MONMOUTH CITY OF</b> DAVE WILDMAN dwildman@ci.monmouth.or.us
<b>COLE RAYWID &amp; BRAVERMAN LLP</b> SCOTT THOMPSON ATTORNEY sthompson@crblaw.com	<b>NIPPC</b> SUSAN K ACKERMAN ATTORNEY susan.k.ackerman@comcast.com
<b>COMPSPANUSA</b> SEBASTIAN MC CROHAN sebastian.mccrohan@comspansua.net	<b>OREGON CABLE AND TELECOMMUNICATIONS ASSOCIATION</b> MICHAEL DEWEY mdewey@oregoncable.com
<b>COMSUMER POWER INC</b> STUART SLOAN stUARTS@cpi.coop	<b>OREGON JOINT USE ASSOCIATION</b> GENOA INGRAM genoa@westernadvocates.com JOHN SULLIVAN john.sullivan@pgn.com WILLIAM C WOODS william_woods@cable.comcast.net
<b>DAVIS WRIGHT TREMAINE</b> SARAH K WALLACE ATTORNEY AT LAW sarahwallace@dwt.com	<b>OREGON MUNICIPAL ELECTRIC UTILITIES ASSOC</b> TOM O'CONNOR toconnor@teleport.com
<b>DEPARTMENT OF JUSTICE</b> MICHAEL T WEIRICH ASSISTANT ATTORNEY GENERAL michael.weirich@state.or.us	<b>OREGON PUD ASSOCIATION</b> DON GODARD dgodard@opuda.org
<b>ELECTRIC LIGHTWAVE LLC</b> CHARLES L BEST ATTORNEY AT LAW charles_best@eli.net	<b>OREGON RURAL ELECTRIC COOPERATIVE ASSN</b> JACK EVANS jevans@oreca.org

<b>EMERALD PUD</b> CRAIG ANDRUS craig.andrus@epud.org	<b>OREGON TELECOMMUNICATIONS ASSN</b> BRANT WOLF bwolf@ota-telecom.org
<b>ESCHELON TELECOM OF OREGON INC</b> CATHERINE A MURRAY camurray@eschelon.com	<b>PACIFIC POWER &amp; LIGHT</b> CECE L COLEMAN cece.coleman@pacificorp.com COREY FITZGERALD corey.fitz-gerald@pacificorp.com
<b>PORTLAND CITY OF – OFFICE OF TRANSPORTATION</b> RICHARD GRAY richard.gray@pdxtrans.org	<b>PORTLAND GENERAL ELECTRIC</b> DAVID P VAN BOSSUYT dave.vanbossuyt@pgn.com
<b>PRIORITYONE TELECOMMUNICATIONS INC</b> kmutch@p1tel.com	<b>QWEST</b> JEFF KENT jeffrey.kent@qwest.com
<b>QWEST CORPORATION</b> ALEX M DUARTE alex.duarte@qwest.com	<b>SALEM ELECTRIC</b> ROGER KUHLMAN kuhlman@salemelectric.com
<b>SPRINT COMMUNICATIONS CO LP</b> BARBARA YOUNG barbara.c.young@mail.sprint.com	<b>TIME WARNER TELECOM OF OREGON LLC</b> BRIAN THOMAS brian.thomas@twtelecom.com
<b>VERIZON</b> STEVEN LINDSAY steve.lindsay@verizon.com	<b>VERIZON NORTHWEST INC</b> RICHARD STEWART richard.stewart@verizon.com RENEE WILLER renee.willer@verizon.com
<b>WANTEL INC</b> MARTY PATROVSKY marty.patrovsky@comspanusa.net	