



International Brotherhood of Electrical Workers

Local Union No. 659

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May 24, 2006

Public Utility Commission
Attn: Filing Center
550 Capitol Street NE Suite 215
Salem, OR 97301

Gentlemen:

Enclosed are the comments from Local Union 659 of the International Brotherhood of Electrical Workers on AR 506, Phase I.

Sincerely,

LOCAL UNION NO. 659, I.B.E.W.

A handwritten signature in cursive script that reads "Ron Jones".

Ron Jones
Business Manager/Financial Secretary

RJ:vc
Enclosure

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AR 506 Phase I

Testimony dated May 23, 2006

submitted by:

Local Union 659

of the

International Brotherhood of Electrical Workers

Ronald W. Jones

Business Manager/Financial Secretary

4480 Rogue Valley Highway, #3

Central Point, Oregon 97502

AR 506 Phase I
Safety Rules Governing Construction & Maintenance of Utility Poles

The purpose of this rulemaking, as I understand it, is to clearly communicate the safety and joint use rules to electric utilities, telecommunication utilities/providers, cable television operators and other entities.

Beyond the clear communication principle, I believe it is important to remember the State of Oregon adopted the National Electrical Safety Code (NESC) as its minimum standard. The bottom line is to insure that Oregon's utility lines and facilities are constructed, maintained and operated in a safe and efficient manner.

I speak as the Business Manager of Local Union 659, IBEW, representing over 2,000 workers employed in the Electrical/Telecommunications construction and utility industries. Local 659 represents electric utility workers at Central Lincoln PUD, City of Ashland, City of Bandon, Consumers Power, Coos-Curry Electric, Eugene Water & Electric Board, Lane Electric, Pacific Power & Light, Springfield Utility Board and Surprise Valley Electric. Local 659 represents all electrical contract employees working on those utility properties employed by electrical contractors signatory to the NW Line Construction Agreement. Local 659 also represents the telephone construction workers employed by Henkels & McCoy, Hunter Construction and Potelco in Oregon.

I also speak from personal experience as a Journeyman Lineman working for contractors on several different utility properties and as a former employee of Pacific Power & Light in southern Oregon. Until the Oregon Public Utility Commission took an active role in NESC compliance issues, many of the utility systems were out of compliance with economic issues dictating compliance priorities. It was not uncommon to find several violations of the NESC on utility poles we were assigned to work on. We were often prohibited from correcting those violations while working on the poles because it was not part of our assigned work. If the violations were documented, they often did not get fixed because of disputes between the owner utility and the attaching providers. In other cases, it may have been budget issues that prevented correction. The clear authority of the Public Utility Commission to require compliance to the NESC minimum standards has steadily improved the safety of the environment the electrical and telecommunication employee works in and, I believe, contributed to the overall reliability of operation of those systems for the customer.

Local 659, IBEW, on the behalf of its membership, is in total support of the PUC staff recommendations. At the meetings on May 18th, I was impressed with the willingness of the PUC staff to consider changing proposed language, but not diluting the intent of the regulations. OJUA representatives repeatedly mentioned that Oregon has one of the best systems in the nation and challenged the PUC staff to explain how proposed changes will improve the safety and reliability of the present system. I believe the PUC staff recommendations will clarify, not burden, the process and many of the changes that were made by PUC staff were in response to issues raised by OJUA members themselves. The object is to not allow economic factors alone to decide the level of NESC compliance by the owners and those companies operating on their systems.

It was clear that not all operators believe they need to be regulated and oppose the rules promulgated by the PUC staff. I suppose these are the same operators that did not support the legislation that gave NESC compliance authority to the PUC in the first place. It is my belief the safety and reliability of the utility systems in Oregon are too important to be left in the hands of economic factors alone. The NESC is a minimum standard developed by all the interested parties in the utility industry. It takes into account that not all owners are willing or economically capable of demanding compliance from the operators attached to their structures. The NESC provides the oversight capable of insuring the safety and reliability of the many diverse utility systems in Oregon. We applaud all efforts tailored to reflect the best methods that insure the safety of the public and workers in the industry as well as reliability for the customer.

The following comments are ordered by section of the Administrative Rules Chapter 860.

860-024-0001

- (4) The PUC staff proposal should be adopted in its entirety. Any modifications to dilute the language should be rejected. Safety risks to the employees working on the system are just as significant as safety risks to the public and they should be treated equally. This is especially true now because of the pending nationwide shortage of experienced and skilled workers that have the training and knowledge to perform work on electrical systems safely and productively.

Because of the competitive nature of many of these enterprises, there has been no incentive to invest in training or apprenticeships, except on an as-needed basis. This has resulted in a shortage of experienced trained workers

in many areas. It is important to retain meaningful restraints on the free enterprise system being advocated by some members of the OJUA to insure the safety and reliability of the systems.

860-024-0011

- (2)(a) It is important to retain the staff's proposed language. Despite some of the operator's testimony regarding their individual programs, there can be no consistent improvement in NESC compliance unless the owner and the attaching operators work on the same problems in the same areas. Whether the attaching operators choose to follow their own programs, or not, the system cannot be improved without some kind of coordinated effort to correct the identified NESC violations in a geographically consistent manner.

860-024-0012

- (2)(3)(4) The staff's recommended language allows a tremendous amount of latitude in addressing identified NESC violations. Proposals to change staff's language that further degrade the authority of the PUC to enforce NESC compliance should be rejected. A ten-year cycle of inspection with a two-year period to correct violations after they have been identified is already reasonable. If you include deferrals to a third year (3) and equivalent safety waivers (4) the flexibility to come into compliance is very generous. Proper planning, not economic factors alone, should be encouraged.
- (2) The OJUA seeks to extend the correction of violations from two years to five years. How is this supposed to improve the system, when the industry appears to have problems keeping up with two-year-old violations. This is not in the best interest of the industry worker or the customer.
- (3) The OJUA proposal to delete the 5% provision and replace it with an unlimited amount would make the inspection process meaningless and seriously inhibit the progress of improvement of the systems. It appears they seek to take the PUC out of the decision making process altogether. That is unwise and not in the best interest of the electrical industry worker or the customer.

860-024-0014

- Although not sure what the purpose is and what the consequence could be of moving this section to Division 28, it does appear to have relevance to the rest of the sections right where it is. Certainly it is appropriate to require

effective communication between the owner, the joint-use occupants regarding attachment standards. How else can the joint-use occupant be expected to comply?

860-024-0016

- (5) Whatever the minimum clearances finally decided upon, they must adequately reflect the realities of the system environment. Pretty landscapes and powerlines do not always mix well. The overriding concern here must be the safety and reliability of the utility system.
- (8) If staff's modified language is not acceptable to all parties, we believe the deleted language, "Risk to facilities includes, but is not limited to, deflection of cables, wires, or messengers, or those contacts which cause damage to facilities" should be reinstated. In any case, there must be meaningful requirements for operators to protect the integrity of the structures they attach to. If there are disputes regarding the maintenance costs between the owner and the attaching operators, perhaps those maintenance costs can be included in the negotiated price of attachment to the owner's facilities. No matter what, the integrity of the systems must be protected.

In summary, Local 659 IBEW believes the PUC staff has made reasonable recommendations to enforce the NESC and to provide rules for that enforcement that allow responsible owners and operators to comply in a timely manner. Economics may be important but reliability and safety are more important. If Oregon has a model system that other states may copy, there is absolutely no reason to dilute it. If it provides reliability for the customer, safety for the industry worker and safety for the public, then we should be proud of our accomplishments, not ashamed of our success. Our children will thank us for our foresight.

In the end, we believe the public, the customers and the electrical/communications workers employed in the industry have been well served by the vigilance of the Oregon State Public Utility Commission. We do not wish to see their authority diluted to the extent that Utilities and operators are once again in charge of their own compliance programs. They did not do the job before and there is no reason to believe they will do it any better, without effective oversight, in the future. It would be a disservice to the public, the customers and the workers employed in these industries. The safety and reliability of these systems should not be subject to the individual budgets of these owners and operators. Thank you for your consideration.

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