



# Oregon Joint Use Association

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August 15, 2006

Christina M. Smith  
Administrative Law Judge  
550 Capitol Street NE  
PO Box 2148  
Salem OR 97308-2148

Dear Judge Smith:

As you know, OAR 860-028-0200 (1)(a) provides that the Oregon Joint Use Association (OJUA) shall act in an advisory capacity to the PUC with respect to the adoption, amendment, or repeal of administrative rules governing pole owners and pole occupants. The OJUA met with PUC staff and industry representatives on Monday morning in an attempt to reach agreement regarding the issues list for Oregon Administrative Rule Chapter 860, Division 28.

The OJUA has diligently worked on the proposed rules for the past year in an effort to reach industry consensus and, for the past several months, has met on a weekly basis in an attempt to adhere to the proposed rulemaking timeline. In so doing, the OJUA and its individual members and member companies have invested countless hours and expense.

As you know, there are several critical issues, such as sanctions, addressed in Division 28 which were not included in the *Notice of Rulemaking* filed with the Secretary of State's office. The Board of Directors of the OJUA believes these issues should be included in current discussions since there are so many interrelated issues and sanctions bear on so many of the issues. Our members believe that it serves the best interests of all involved to take on all Division 28 rules at the same time and not piecemeal.

For this reason, the OJUA Board of Directors respectfully requests a re-filing of Docket #506 for the purpose of expanding the Docket to include 860-028-0120, 860-028-0130, 860-028-0140, 860-028-0150, 860-028-160, 860-028-0170, 860-028-0180, 860-028-0190 and 860-028-0200, 860-028-0230, 860-028-0240

We now recognize that the sanctions and reduced rental rate issues were not within the original Notice of Rulemaking's purview. The limitation was only recently raised by staff after OJUA and several member companies raised issues in their filed comments.

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Dedicated to the Education, Cooperation,  
and Resolution of Utility Joint Use Issues

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Christina M. Smith  
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The OJUA supports a holistic approach, including all Division 28 rules. This way the issues concerning the impact of one Division 28 rule on another and the implications for industry can be more fully discussed, analyzed and understood. The OJUA has continued to work in good faith toward revisions of Division 28 in its entirety.

The OJUA is prepared to continue its effort toward revisions of Division 28 and will make every effort to do so within the proposed timeline. However, we believe we have an obligation to achieve the best results possible. To undertake a portion of the Division 28 rules without recognizing their relationship to other Division 28 rules will not achieve the best results. A full discussion and analysis of all the Division 28 rules justifies the extension of time that it may require. This approach also supports the vital role of the OJUA to forge consensus among members.

Again, we respectfully request a refiling of Docket #506 so that all issues may be addressed. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Sullivan". The signature is written in a cursive, flowing style.

John Sullivan,  
2006 Chairman