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August 17, 2023

**VIA EMAIL - [puc.filingcenter@puc.oregon.gov](mailto:puc.filingcenter@puc.oregon.gov)**

Public Utility Commission of Oregon  
ATTN: Filing Center  
201 High Street SE, Suite 100  
P.O. Box 1088  
Salem, OR 97308-1088

Re: NC 405 – In the Matter of Public Utility Commission of Oregon v. City of  
Portland

Dear Filing Center:

The League of Oregon Cities respectfully submits its Response Testimony regarding NC  
405.

Very truly yours,

A handwritten signature in blue ink that reads 'Laura Maffei'.

Laura C. Maffei, R.G.

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Enclosure

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OREGON  
NC 405**

In the Matter of )  
Public Utility Commission of Oregon v. City of )  
Portland )  
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**RESPONSE TESTIMONY OF JAYME PIERCE  
ON BEHALF OF  
INTERVENOR THE LEAGUE OF OREGON CITIES**

**LOC EXHIBIT 100**

**August 17, 2023**

UE NC 405 – Response Testimony of Jayme Pierce

1 **Q. What is your name, occupation, and business address?**

2 A. My name is Jayme Pierce. I am the General Counsel of the League of Oregon Cities. My  
3 business address is 1201 Court Street NE, Suite 200, Salem, Oregon 97301.

4 **Q. How long have you been with the League of Oregon Cities and in which roles?**

5 A. I have been the General Counsel of the League of Oregon Cities since December 12, 2022.  
6 Prior to that, I was the Interim General Counsel from January 11, 2022 to December 12, 2022  
7 and the Assistant General Counsel from September 18, 2017 to January 11, 2022.

8 **Q. What is the League of Oregon Cities' ("LOC") mission and purpose?**

9 A. The LOC is the essential and trusted partner for local, state, federal, and community leaders in  
10 developing policy and legislation to empower Oregon's 241 incorporated cities through  
11 collaboration, advocacy, training, and sharing best practices. It is a trusted partner of local, state,  
12 and federal leaders in developing policy and legislation that govern Oregon cities. The LOC  
13 monitors activities in the Oregon legislature, state boards, commissions and agencies and  
14 identifies issues that may affect its member cities. The LOC's Board of Directors and Committee  
15 members are experienced city officials and staff with expertise in issues that affect the operation  
16 of Oregon cities.

17 **Q: How do most cities in Oregon manage utilities in the public rights-of-way ("ROW")?**

18 A: In my experience, Oregon cities manage public rights-of-way that may include both publicly  
19 owned and privately owned utilities. LOC's members are committed to marking their own  
20 utilities in the public ROW; however, many are not capable, technically or financially, to map  
21 and mark the privately owned utilities that share the ROW. The LOC firmly believes that private  
22 infrastructure should fully be the responsibility of private owners, including all utility marking  
23 activities.

24 **Q: What are LOC's concerns about Oregon Utility Notification Center's ("OUNC")**  
25 **interpretation of utility marking rules?**

26 A: According to the Public Utilities Commission's ("PUC") Opening Testimony, it believes that

UE NC 405 – Response Testimony of Jayme Pierce

1 “the City is responsible for performing locates for *all underground facilities located in City*  
2 *ROWS.*”<sup>1</sup> (Emphasis added.) The LOC is greatly concerned that the PUC’s interpretation would  
3 require the LOC’s member cities to mark every underground utility, whether publicly or  
4 privately owned, within city-managed ROWs. The LOC’s members do not want a state-wide  
5 requirement to mark privately owned underground utilities within ROWs, as the PUC proposes  
6 in its Opening Testimony.<sup>2</sup>

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26 <sup>1</sup> Staff Exhibit 100 at 11, ll. 13-15.

<sup>2</sup> PUC states that the City of Portland “does not have legal authority to choose which facilities within the wastewater system it will locate and which it will not.” Staff Exhibit 100 at 12, ll. 16-17.