



*Submitted electronically*

May 12, 2022

Filing Center  
Oregon Public Utilities Commission  
201 High Street SE, Suite 100  
P.O. Box 1088  
Salem, Oregon 97301

**RE: Docket AR 638 – Wildfire Mitigation**

Thank you for the opportunity to provide additional comment in advance of the next AHD redline. We hope your new draft will incorporate the written feedback we submitted on March 18<sup>th</sup>. However, based stakeholder discussions and last week’s AHD-led workshop, our thinking has evolved on the issue of whether the OARs should enumerate specific violations in .0018. Initially, we thought it would be useful to do so, but in discussing examples found in the field we are persuaded determinations of what constitutes an imminent danger requiring immediate repair versus a more standard correction is often a matter of degree.

There seems to be general industry consensus that the communication facility conditions most likely to correlate to heightened risk of wildfire are: broken lashing wire, low clearances over roadways, pole defects, and broken/damaged equipment. However, whether those conditions will require immediate repair or can be safely addressed in a timeframe of less than 180 days depends on “judgment in the field” that turns on things like severity of the violation, knowledge of the utility’s system, outage history, wildfire risk conditions, etc.

Generally, we do not want to be put in an enforcement role for equipment we do not own. As electric utilities we are understandably reluctant to address problems related to critical communications equipment that we lack the expertise or training to fix. Additionally, some fixes may require specialized equipment or, as with a loose anchor, may require calling in underground location services.

However, in the course of maintaining and inspecting our own facilities *if we discover* something that appears to be a communications equipment violation that correlates to wildfire risk, we are willing to notify the attacher or pole owner that the violation must be repaired. While the fixes we can do are limited, if—in the judgment of the electric utility—it is not unsafe or unreasonable to do so, electric utilities may provide a temporary repair of an unsafe

1201 COURT ST. NE, SUITE 102 • SALEM, OREGON 97301 • (971) 600-6976 • E-MAIL: [jenniferjoly@omeu.org](mailto:jenniferjoly@omeu.org)

condition that poses an imminent danger to life or property. Notification of the unsafe condition will be communicated to the attacher or pole owner as soon as reasonably practicable for any further necessary remediation and to seek reimbursement for the cost of the correction. For other joint use violations that do not pose imminent risk but still correlate to wildfire risk within the HFRZ, we will alert the attacher or pole owner, but it is their obligation to make the repair in a timely manner as prescribed by the PUC rules, just as electric utilities are expected to do. If that does not happen, the PUC should address it as necessary via their enforcement tools.

Proposed 860-024-0018 is entitled “High Fire Risk Zone Safety Standards,” however, there is some ambiguity in the current drafting about whether each of the subsections applies exclusively in HFRZs. It is not appropriate to expand standards beyond the context of the section, which is limited to HFRZs. To address this and make it clearer, a new subsection (1) could state: “(1) Subsections within 860-024-0018 are limited exclusively to High Fire Risk Zones.”

Thank you for your consideration. We look forward reviewing the next redline and to participating in future discussions on this important rulemaking. Please do not hesitate to contact me at (971) 600-6976 or [jenniferjoly@omeu.org](mailto:jenniferjoly@omeu.org) for clarification or discussion regarding these recommendations.

Sincerely,

*/s/ Jennifer Joly*

Jennifer Joly, Director  
Oregon Municipal Electric Utilities Association