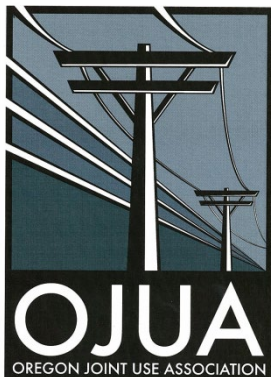


# Oregon Joint Use Association

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June 30, 2022

## Via Electronic Filing

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

Re: Public Utility Commission of Oregon (“OPUC”) Docket AR 638 –  
Division 024 Redline Version dated June 10, 2022

The Oregon Joint Use Association (“OJUA”) appreciates the opportunity to submit comments concerning the Division 024 redline version that was circulated by the Administrative Hearings Division (“AHD”) on June 10, 2022 (“June 10<sup>th</sup> Redline”). As stated previously during the course of the AR 638 docket, the OJUA provides a unique perspective because it represents diverse industry perspectives. Indeed, the OJUA has seventy-eight (78) members including: Cable Operators; Telecommunications Operators; Competitive Providers; Government Entities; Wireless Carriers; Investor-Owned Utilities; Consumer-Owned Utilities; and Contractors. As stated previously, pursuant to Oregon Administrative Rule, the OJUA is an advisor to the Commission with respect to “Adoption, amendment, or repeal of administrative rules governing pole owners and pole occupants. . .”<sup>1</sup> The OJUA believes that the June 10<sup>th</sup> Redline is an improvement over the previous redline of the Division 024 rules.

The OJUA’s comments concerning the June 10<sup>th</sup> Redline are provided below.

### *OAR 860-024-0001(3) – Inspection Methods*

During the course of the AR 638 docket, inspection methods have been discussed extensively. Much of the discussion has centered on which method can assure that a utility pole and associated electric and communication facilities are adequately inspected to identify potential sources of electrical ignition. Methods discussed in the docket include in-person inspections as well as the use of technology, including the use of drones to perform

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<sup>1</sup> See, OAR 860-028-0200.

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inspections. The June 10<sup>th</sup> Redline reflects the term “Good Utility Practice” in OAR 860-024-0001(3) which is a term that has been extracted from the Chapter 860, Division 039 rules which govern net metering. “Good Utility Practice” is then cited in OAR 860-024-0011(2)(c) relating to safety patrols, and in OAR 860-024-0018(4)(a) relating to High Fire Risk Zone Ignition Prevention Inspections. The OJUA recommends that the term “Good Utility Practice” be removed as it creates ambiguity as it is unclear as to what constitutes a “significant portion of the electric industry in a region” and what a “reasonable utility official would expect.” As an alternative, the OJUA recommends that the term “Accepted Good Practice” be added to Division 024 rules. The term “Accepted Good Practice” follows the guidance of National Electrical Safety Code (“NESC”) Rule 012C. Moreover, Rule 012C recognizes that each Operator’s system is unique in terms of the combination of its age, configuration, geographic location, exposure to environmental conditions, ownership, and how it is constructed, operated, and maintained. Each Operator is best positioned to determine how its system is inspected and how it achieves compliance with Division 024 rules. The OJUA’s edit to OAR 860-024-0001(3) is provided below:

~~(3) “Good Utility Practice” means a practice, method, policy, or action engaged in or accepted by a significant portion of the electric industry in a region, which a reasonable utility official would expect, in light of the facts reasonably discernable at the time, to accomplish the desired result reliably, safely, and expeditiously. “Accepted Good Practice” means a practice based on given local conditions known at the time by those responsible for the construction or maintenance of the communication or supply lines and equipment.~~

Furthermore, the term “Good Utility Practice” should be replaced with the term “Accepted Good Practice” in OAR 860-024-0011(2)(c) and OAR 860-024-0018(4)(a).

#### *OAR 860-024-0018(3) – Tree Attachments*

OAR 860-024-0018(3) also creates ambiguity. It is unclear as to why “live trees” are mentioned but not dead trees. Additionally, it is unclear as to why a requirement is set forth for utility supply conductors to only be attached to “utility owned poles” as poles may be owned by telecommunications operators, government entities, or others. In order to provide clarity and achieve the desired intent of the rule, the OJUA recommends the following edit:

~~(3) Utility supply conductors shall not be attached to live trees and should only be attached to utility owned poles and structures designed to meet the strength and loading requirements of the National Electrical Safety Code. This section does not apply to customer-supplied equipment at the point of delivery. The supporting of supply conductors on trees shall be avoided.~~ Compliance with this section must be achieved prior to December 31, 2027.

The OJUA’s edit not only makes the rule easier for operators to understand and apply, it also follows the framework of NESC Rule 217B.

*OAR 860-024-0018(7) – Detailed Inspection Cycle Alignment*

The OJUA opposes OAR 860-024-0018(7) as the rule appears to be a remnant of OPUC Staff’s earlier advocacy in the docket for mandated joint inspections. The rule requires occupants on consumer-owned utility poles to align detailed inspection cycles when dictated by the pole owner, which creates an implied mandate for joint inspections. Through the course of the docket, the OJUA has raised a number of concerns associated with joint inspections.<sup>2</sup> Joint inspections must remain voluntary and not mandated by the Commission. Each operator is situated differently, and a joint inspection program may or may not be feasible or practical for everyone. The OJUA notes that its members currently maintain inspection programs and cycles to satisfy Chapter 860 Division 024 requirements. A requirement to perform joint inspections in a High Fire Risk Zone (“HFRZ”) would introduce a number of impacts. First, inspection cycles are impacted. For example, most pole occupants already maintain a 10-year inspection cycle and a more frequent inspection of HRFZs may lead to redundancy or fluctuations in annual volumes of inspections which are difficult to manage from year-to-year. Furthermore, depending on the size and location of the pole occupant’s system – it may be located entirely in an HFRZ and thus its entire system could be inspected each year. Second, each operator is situated differently from a resource standpoint. To support inspection programs, some operators maintain in-house personnel, others use contract resource, and some use a combination of both. Joint inspections are intensive to plan, coordinate, and manage and may require operators to increase resource levels without a commensurate enhancement to safety or wildfire mitigation. Therefore, the OJUA recommends striking OAR 860-024-0018(7).

Thank you on behalf of the OJUA Executive Committee.

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<sup>2</sup> See, OPUC Docket No. AR 638 – In the matter of Rulemaking for Risk-based Wildfire Protection Plans and Planned Activities Consistent with Executive Order 20-04, Comments of the Oregon Joint Use Association dated November 18, 2021.