



May 3, 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: Docket AR 638 – Rulemaking for Risk-Based Wildfire Protection Plans

Attention: Filing Center

OPUDA (Oregon People's Utility District Association) appreciates the opportunity to submit comments into the record regarding changes to the Division 024 rules proposed by the Oregon Public Utility Commission AHD (Administrative Hearings Division).

1. AR 638 Rulemaking – General Comment

On March 11, 2022, the AHD provided a redline version of the Division 024 rules for discussion prior to the April stakeholder workshop. The redline edits reflected, in part, the changes proposed by the Joint Utilities (PGE, PacifiCorp and Idaho Power) in late February. Since then, the following stakeholders have submitted written comments regarding the redlined document, as well as proposed other changes to Division 024:

- Joint Utilities - 04/07/2022
- STOP B2H - 03/25/2022
- OCTA (Oregon Cable Telecommunications Association) - 03/25/2022
- OJUA (Oregon Joint Use Association) - 03/25/2022
- Joint Utilities - 03/25/2022
- CTIA - 03/25/2022
- ORECA (Oregon Rural Electric Cooperative Association) and CPI (Consumer Powers Incorporated) - 03/22/2022
- OMEU (Oregon Municipal Electric Utilities Association) and EWEB (Eugene Water & Electric Board) - 03/18/2022
- CLPUD (Central Lincoln People's Utility District) - 03/16/2022

OPUDA requests that AHD provide an updated redline version of the Division 024 rules so that stakeholders may understand what is under consideration well ahead of the OPUC's final rulemaking hearing and comment period.

2. OAR 860-24-0018 - High Risk Zone Safety Standards

OPUDA supports the comments from the Joint Utilities submitted on March 25, 2022, regarding OAR 860-24-0018 redline subsection (7)/original subsection (8), to change the word "shall" to "may" in the following sentence.

*"If the pole owner or equipment owner does not replace the reject pole or repair the equipment within the timeframe set forth in the notice, then the Operator of electric facilities **shall** repair the equipment or replace the pole and seek reimbursement of all costs and expenses related to correction or replacement of the reject pole or equipment including, but not limited to, administrative and labor costs related to the inspection, permitting, and replacement of the reject pole. "*

There are instances where an electric utility is renting space on a pole owned by a communication company, which also has other parties renting space on the same pole. If there is a violation associated with the other renter's equipment, the electric operator is neither the pole nor the equipment owner, but would be responsible for making the repairs despite having no contract in place should there be damage to the equipment during the repair process. Transferring responsibility and liability to the Operator of electric facilities, who may not be the pole or equipment owner, creates additional work and burden that is an unfair transference of responsibilities.

OPUDA feels strongly that the equipment owner of the violation should be held responsible and liable for addressing the violations associated with their facilities and that this responsibility should not be transferred to Operators of electric facilities.

Respectively,

/s/ Ty Hillebrand

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