

**Before the
OREGON PUBLIC UTILITY COMMISSION**

In the Matter of Rulemaking for Risk-Based)
Wildfire Protection Plans and Planned) Docket No. AR 638
Activities Consistent with Executive Order)
20-04.)

COMMENTS OF CTIA ON PROPOSED WILDFIRE MITIGATION RULES

CTIA respectfully submits the following comments in response to the March 11, 2022 letter from Administrative Law Judge Mapes in the above-captioned proceeding seeking comment on the Oregon Public Utility Commission’s (“Commission’s”) proposed wildfire mitigation rules (“Proposed Rules”).¹

CTIA appreciates the Commission’s careful consideration of the feedback received on the previous draft of the Proposed Rules, particularly as it relates to the discussion of the utilities’ proposed redlines at the Commission’s February 8, 2022 workshop in this proceeding. At that workshop, numerous parties (including CTIA) expressed concerns with Staff’s proposed requirement for joint inspections of poles. CTIA supports the decision to remove that requirement for the reasons discussed in CTIA’s prior comments.² In all, CTIA largely supports the Proposed Rules, and Staff in particular should be commended for incorporating stakeholder feedback in this draft to address the issues raised. The Proposed Rules, as currently written, reflect a number of improvements to the initial draft that will provide clarity for stakeholders while promoting timely wildfire mitigation efforts. CTIA suggests the following two revisions to

¹ The Proposed Rules are OAR 860-024-0000 *et seq.*, as attached to the aforementioned letter.
² See Further Comments of CTIA, Docket No. AR 638 (Nov. 19, 2021) at 5-6.

the Proposed Rules for discussion by stakeholders at the upcoming April 7, 2022 workshop in this proceeding:

First, the Commission should add language to Proposed Rule 860-024-0018 to clarify that the timeline to cure a violation does not begin until the Occupant has been notified of the alleged violation. This will help ensure that all Occupants have the appropriate opportunity to correct violations once discovered by an Operator. The Proposed Rules should also clarify that the requirements for notice are the same as those found already in the Commission's rules at Section 860-028-0190.

Additionally, the Commission and stakeholders should develop a process in the Proposed Rules to address any disputes over the responsibility for a violation and the attendant cost of cure. As written, the Proposed Rules offer no recourse to an Occupant that believes that it is not the cause of a safety violation or that the issue on the pole constitutes such a violation. Its only options are to correct the alleged violation or pay the Operator's costs plus a 25% fee. This creates a due process concern for Occupants, especially in cases of "imminent" (Proposed Rule 7(a)) violations where the Operator has the obligation to correct the violation immediately itself. CTIA suggests such a process mirror the existing process in the Division 28 rules. Also, for consistency, the 25% fee in the Proposed Rules should be amended to 15% to match the existing, mirroring provision of Section 860-028-0150(2) regarding Operator sanctions for Occupant violations.

CTIA looks forward to working with the Commission and stakeholders to continue to refine the Proposed Rules and meet the Commission's goal of wildfire mitigation in the most effective way possible.

Respectfully submitted,

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