

1 **Q: Would you please state your name and occupation?**

2 A: My name is Martin J. Pollock and I am the Permit Coordinator for Comcast. I am based
3 in Sandy, Utah, and my area of responsibility is the state of Utah.

4 **Q: Could you please outline your employment history?**

5 A: In October 1977, I began working for Mountain Bell, predecessor to U.S. West,
6 predecessor to Qwest. I worked for these entities for over 15 years. When I began in
7 1977, I was an Analytical Clerk. From 1980 until 1993, I worked in the Engineering
8 Department as a Records Poster/Clerk. I was primarily responsible for making sure that
9 plant records were recorded and maintained.

10 In 1993, I began working for CDI, Inc., a contracting firm working for communications
11 carriers. I worked with CDI until 1998. In October 1999, I began working with AT&T,
12 predecessor to Comcast. I was hired as a Permit Coordinator and have been working in
13 that capacity for Comcast or its predecessors ever since.

14 **Q: Could you please describe generally what your current job responsibilities are?**

15 A: I am responsible for coordinating all permitting for the state of Utah for Comcast. This
16 includes pole attachment permits, excavation permits, and any other permits for
17 attachment, excavation and use of utility poles and/or land. I also reconcile the invoices
18 sent by the various permitting entities and submit them to accounting for payment.

19 **Q: Who owns the majority of poles for which you seek permits for Comcast?**

1 A: PacifiCorp.

2 **Q: What are your responsibilities with respect to permitting for PacifiCorp poles or**
3 **facilities?**

4 A: My responsibilities include applying for authorization to attach to PacifiCorp poles in
5 Utah. With regard to the PacifiCorp applications, I coordinate the engineering and
6 mapping information, make sure that the applications are complete, and then submit
7 them. Once they are submitted, I wait for PacifiCorp to send a Joint Pole Notice that
8 indicates whether Comcast is permitted to attach to the poles, and under what
9 conditions, if any.

10 **Q: Can you describe this application process?**

11 A: Yes. I work closely with the independent contractors who work with the Comcast
12 engineers that are in charge of designing the system. These contractors send me the
13 necessary information regarding the identification of poles on which Comcast seeks to
14 attach. I then fill out permit applications for those poles and submit the applications
15 directly to PacifiCorp.

16 **Q: What is the format of the applications?**

17 A: PacifiCorp currently has a very detailed form that I complete and submit. This form
18 contains spaces for pole numbers, map strings, map string identification numbers, street
19 addresses, and a description of the type of attachment.

1 **Q: What else do you include in the applications?**

2 A: In addition to PacifiCorp's application form, I generally include a map of the pole line.
3 Although, to my knowledge, PacifiCorp has never required maps, I always provide a
4 map showing the location of the pole as a courtesy to make identification of the poles
5 easier.

6 **Q: Anything else?**

7 A: Not unless PacifiCorp specifically requests additional information.

8 **Q: Do you submit sketches or pole diagrams?**

9 A: PacifiCorp has never asked me to provide sketches of the poles or other diagrams
10 showing what facilities already exist on the pole. In fact, there is no space on
11 PacifiCorp's form for that information. However, whenever the information is
12 available, I include walk-out sheets with the applications that detail what facilities are
13 already on the pole.

14 **Q: Do you fill out a separate application for each pole?**

15 A: It depends. A permit application may consist of a single pole or a group of poles. A
16 group of poles can be as small as just a few, or it could be very large. I often send
17 applications requesting attachment to only one or two poles. However, if the contractor
18 sends me a long list of poles, I apply for all of them at the same time. Instead of filling
19 out a form for each attachment, I fill out PacifiCorp's form only for the first two poles in

1 the map string. Then, I attach a separate form listing the details for each of the
2 remaining poles. Samples of that form are attached as Exhibit 1.

3 **Q: Who developed the sheets shown in Exhibit 1?**

4 A: I did. I thought it would save a lot of paper and simplify the process for both PacifiCorp
5 and Comcast.

6 **Q: Has PacifiCorp ever objected to your use of this form?**

7 A: Not that I know of. In fact, two PacifiCorp employees, Sara Johnson and Katie Stoll,
8 have told us that they prefer to get the applications this way rather than getting a
9 separate sheet for each pole. Exhibit 2 to this testimony is an email from Katie saying
10 that PacifiCorp would rather get the applications this way.

11 **Q: Does Comcast go through this detailed application process only when you propose
12 to put up brand new attachments on the pole?**

13 A: No. PacifiCorp also requires us to do this even if we are only modifying or overlashing
14 a cable to an existing attachment.

15 **Q: Please explain.**

16 A: A large part of my job over the last several years with Comcast has been to coordinate
17 the permits for the cable system upgrade. Most of the attachments involved in the
18 upgrade are already in place and have been for many years. Although there are certain
19 areas where we have extended our cable lines to new places to serve new customers, the

1 large majority of the upgrade involves simply lashing up an additional piece of fiber to
2 our existing attachments. Essentially, it is not a new attachment, just a modification to
3 an existing one. This process is known in the industry as “overlashing.” PacifiCorp
4 requires Comcast to go through the permitting process even for simple overlashing.

5 **Q: Once you submit an application, what happens next?**

6 A: It depends. PacifiCorp has told us that we have permission to put our facilities up on the
7 poles 24 hours after making the application for attachment. The email they sent us to
8 that effect is attached as Exhibit 3. PacifiCorp has made it clear to us on a number of
9 occasions over the years that once Comcast submits the application for attachment, it
10 can put up the attachments almost immediately.

11 **Q: Do you know why PacifiCorp has allowed Comcast to overlash within 24 hours of**
12 **submitting the paper work?**

13 A: I’m not entirely sure. It often takes a long time for PacifiCorp to process our pole
14 permit applications, whether for new attachments or for overlashing to existing
15 attachments. If PacifiCorp wanted Comcast to wait for formal approval before putting
16 up attachments, Comcast would often have to wait months before providing service to
17 many new customers or continuing with the upgrade. Additionally, sometimes
18 PacifiCorp never responds to pole attachment applications at all. For instance,
19 permitting for the northern region of PacifiCorp’s service area used to be overseen by a
20 PacifiCorp employee named Norma Fanning. Norma rarely, if ever, sent Comcast any

1 response to the applications I sent her. I sent her the same information that I send the
2 coordinators of other regions, but she rarely responded. If PacifiCorp expected Comcast
3 to wait for formal approval, we never would have been able to put up attachments in that
4 region.

5 **Q: How is the formal approval for pole attachment applications generally given?**

6 A: As I said before, PacifiCorp has authorized Comcast to put up the attachments 24 hours
7 after the applications are filed unless we hear differently, per the email from Sara
8 Johnson. However, I do not personally authorize field contractors or Comcast personnel
9 to put up attachments.

10 Eventually PacifiCorp sends me a Joint Pole Notice invoicing certain fees and, if
11 necessary, showing what make-ready work needs to be done on the pole. Once the
12 make-ready is completed, then the permission is granted.

13 **Q: When PacifiCorp finally responds to the applications, how long does Comcast have**
14 **to wait before it gets a Joint Pole Notice?**

15 A: On average I would estimate that it takes 6-9 months from the time that I make initial
16 application until the time when the approvals are completed. The quickest PacifiCorp
17 returns “fully processed” approvals is about four months. However, it is not unusual to
18 wait six or more months for such approval. In fact, I just recently received approval
19 from PacifiCorp for applications made in March 2003. On occasion, it has taken
20 PacifiCorp 18 months to respond to applications for pole attachment permits.

1 **Q: Is this the process for every pole attachment application?**

2 A: No. Some poles are different. For example, if the pole is along a state (UDOT) right-
3 of-way we need to get permission from UDOT before we are permitted to attach. But
4 according to UDOT's procedures, we need to get PacifiCorp's formal approval to
5 attach, as opposed to the approval that lets Comcast attach 24 hours after application,
6 before we can get UDOT's approval. PacifiCorp grants this approval by signing
7 UDOT's T-600 form. Unfortunately, PacifiCorp processes these T-600 forms about as
8 quickly as they process our other attachment and overlashing applications.

9 Two problems have emerged from this process. If we can't get PacifiCorp's approval in
10 a timely manner, which we often cannot, then we can't get UDOT's approval. As a
11 result, Comcast has little choice but to find alternative routes for its system, which often
12 results in putting the cable underground instead. This process is far more expensive.

13 Second, PacifiCorp recently started rejecting Comcast's T-600 approval requests
14 because make-ready work needs to be done on the poles. This makes no sense. If
15 PacifiCorp does not sign off on the T-600, then Comcast cannot get a permit from
16 UDOT to do the make-ready. It's a Catch 22: Comcast cannot perform make-ready
17 without PacifiCorp signing the T-600, but PacifiCorp won't sign the T-600 unless the
18 make-ready is performed. Again, Comcast's only alternative is to construct
19 underground at a higher cost.

20 **Q: Have the permit application procedures remained consistent?**

1 A: Not at all. They seem to be changing all the time.

2 **Q: Can you provide an example of changing procedures?**

3 A: Yes. When I started working for AT&T in October 1999, there was no pole attachment
4 application process. A women named Joyce Russell coordinated pole attachment issues
5 for PacifiCorp. She and I hardly, if ever, spoke about pole attachment permits because
6 there was no process in place for formal, written applications. In 2001, another
7 PacifiCorp employee, Katie Stoll, contacted me by email and said that PacifiCorp had a
8 pole attachment permit application process that PacifiCorp now wanted Comcast to use.
9 Katie said that PacifiCorp had an application that Comcast should start filling out to
10 apply for permits. I told Katie that I had never seen this form. Right after that, I got a
11 sample application form from Rodney Bell, Comcast's Upgrade Project Manager.

12 After receiving Katie's email, I started filling out applications just as PacifiCorp
13 requested. At that point, we did not pay application fees. However, at some point,
14 PacifiCorp began invoicing Comcast for application fees.

15 **Q: How else has PacifiCorp changed the process?**

16 A: One good example is how PacifiCorp changed the address requirements. At first, on the
17 application I would fill in street addresses showing the starting and ending addresses for
18 a string or line of poles. Recently, however, PacifiCorp began demanding that Comcast
19 provide a street address for each and every pole on the application. Other than being
20 entirely unnecessary and time-consuming, this creates a problem since many of the

1 poles have no street address directly associated with them. These poles are in areas
2 where there are no assigned addresses for long stretches of road, like for example where
3 there is a large field, a farm, or nothing at all. We cannot possibly give an address for
4 each and every pole since there are no addresses in these areas.

5 **Q: You also mentioned fees?**

6 A: Yes. Another good example of the changes is the change in fees. When I started, I
7 wasn't aware of any application or inspection fees. This made sense to me because, as I
8 said, the great majority of the poles did not require any work. We were not making any
9 new attachments, we were only modifying the existing ones. To my knowledge,
10 PacifiCorp didn't charge a separate attachment fee for the overlashed cable, so I
11 couldn't imagine that there was much for the utility to do except process a little paper
12 work. But then the fees started becoming much more of a focus.

13 **Q: What do you mean?**

14 A: There used to be no fees. Now there are many. There are 6 different tiers of inspection
15 fees associated with pole applications, not to mention a fee just to get PacifiCorp to
16 "process" the application.

17 **Q: Is any part of this pole rent?**

18 A: I don't think so. These are the fees and costs we incur just to get the attachments
19 "approved."

1 **Q: Can you describe the inspection fees?**

2 A: Yes. In 2003, PacifiCorp started charging what it called inspection fees. According to
3 the documentation PacifiCorp provided to me, there are six levels of inspections. Three
4 levels are for pre-construction inspections and three levels are for post-construction
5 inspections.

6 **Q: Are there any other fees?**

7 A: Yes. In 2003, PacifiCorp began sending Comcast invoices for what it called
8 unauthorized attachment penalties at a rate of \$250 per attachment. A few of these
9 charges appeared on the Joint Pole Notices I received. But this was rare; the bulk of
10 these charges were sent to someone else at Comcast on a separate invoice.

11 A few months ago, I attended the hearing during which the Public Service Commission
12 ruled that PacifiCorp could not withhold approval for pole attachments permits based on
13 Comcast's failure to pay these penalties. Directly after the hearing, I started to notice
14 something interesting on the invoices. In addition to detailing the engineering, make-
15 ready, and inspection fees, many of the invoices also listed a \$250 unauthorized
16 attachment fee. Exhibit 4 to my testimony is an example of this. As I mentioned above,
17 the Joint Pole Notices specify that final approval to attach will not be granted unless,
18 among other things, all fees are paid. As a result, I am concerned that PacifiCorp may
19 be taking the position that we cannot technically get final approval for attachment until
20 the \$250 fee is paid.

1 **Q: Are you saying that even though the Public Service Commission said that**
2 **PacifiCorp could not charge this fee as a condition for getting access to the poles,**
3 **that they continue to do this?**

4 A: Yes. After the hearing, these fees started regularly showing up on the engineering and
5 make-ready statements that I receive. I have no way of knowing whether PacifiCorp has
6 already invoiced these amounts on separate invoices or whether we are getting these
7 charges for the first time.

8 **Q: What do you mean?**

9 A: As I understand the “unauthorized penalty” process, PacifiCorp has been billing
10 Comcast \$250 for each attachment for which it has no records. Separately, when I apply
11 for overlashing permits, PacifiCorp bills Comcast \$250 for each underlying attachment
12 for which it has no records. Neither I nor anyone at Comcast has any way to verify
13 whether PacifiCorp reconciles these amounts to avoid charging Comcast twice for the
14 same attachment. It is possible that PacifiCorp is billing Comcast \$250 for each
15 attachment it deems “unauthorized” and then another \$250 per attachment when I make
16 the application to overlash. For all I know, PacifiCorp sends a bill on both occasions. If
17 so, PacifiCorp is charging Comcast a \$500 per attachment penalty rather than a \$250 per
18 attachment penalty for each attachment that it says is “unauthorized.”

1 **Q: PacifiCorp has stated that the reason that it has discovered so many unauthorized**
2 **attachments is because Comcast has raced through its upgrade without securing**
3 **the necessary authorizations. Are you familiar with these claims?**

4 A: Yes, I am.

5 **Q: Are they true?**

6 A: No.

7 **Q: Could you please elaborate?**

8 A: I completely disagree with the idea that we are racing ahead without approvals. I am
9 personally responsible for filing pole attachment permit applications and I am very
10 careful in making those applications. I feel that we have bent over backwards to comply
11 with PacifiCorp's constantly changing permitting requirements.

12 **Q: Does that conclude your testimony?**

13 A: Yes it does.