

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of )  
COMCAST CABLE COMMUNICATIONS, )  
INC., a Pennsylvania Corporation, )

**COPY**

Claimant, )

Docket No. 03-035-28

vs. )

PACIFICORP dba UTAH POWER, )  
an Oregon Corporation, )

Respondent. )  
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TRANSCRIPT OF HEARING

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TAKEN AT: 160 East 300 South, 4th Floor  
Salt Lake City, Utah

DATE: April 6, 2004

REPORTED BY: Wendy S. Alcock, RPR



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1           So it's unfair to say this issue first appeared in  
2 March or February. This is an issue that had been ongoing  
3 for several months. It wasn't included in this docket until  
4 Comcast essentially raised the issue by claiming that there  
5 was no particular relation to safety between unauthorized  
6 attachment fees and safety problems. The fact of the matter  
7 is that the permitting process is designed to ensure that  
8 their operations are safe. They've been skirting that, and  
9 that's why we're here.

10           MR. KOWALSKI: Mr. Chairman, we began our  
11 presentation with the suggestion that there are multiple time  
12 lines and threads that come together in a certain point. And  
13 so it's quite understandable that at some point, say in  
14 September of 2003, the parties are talking about the payment  
15 of money pursuant to an agreement, et cetera. However, you  
16 get the overlapping time line now of the audit being  
17 conducted.

18           The audit does a couple of things. First of all,  
19 it discloses attachments that were not there in 1997 for  
20 which there is no permit and which are there now. It also  
21 discloses attachments that have been made in an unsafe  
22 manner. Of course, if they haven't been through the permit  
23 process, it's not a surprise.

24           So now you have the existing audit results that  
25 start to come in and begin to play in here. So it's really

1 quite understandable that you wouldn't be saying from the  
2 very outset, "Correct these safety violations" because  
3 they're just coming to light as part of the audit. And true,  
4 the audit's purpose is to find out what attachments are on  
5 the pole, but at the same time, they document if there's a  
6 safety violation.

7 So this is one of those overlapping threads. You  
8 look at it today and say, "Why didn't you deal with that  
9 earlier?" And the point is, that thread hadn't started  
10 earlier.

11 CHAIRMAN CAMPBELL: I'm going to ask the Division a  
12 question about safety. But before I do that, Mr. Kowalski,  
13 you began by talking about a broader perspective, and under  
14 the Utah code we have obligations as it relates to new  
15 technologies in telecommunications and so forth, and so  
16 certainly the Commission would be deeply troubled if a  
17 utility was leveraging their debt collection against the  
18 delay in the broadband plans, that is certainly one of those  
19 broader perspectives that we at the Commission have.

20 I am interested in the safety issue as it relates  
21 to this immediate delay or denial of permit processing and so  
22 I'm going to ask the Division, I mean, what we've heard is  
23 that there's been no reported injury or problems. I guess  
24 the question is: When you do an audit, you're going to find  
25 things that are wrong. Somebody does a job and some

1 contractor does it poorly and doesn't comply. I guess the  
2 question is: How certain are you of whether this is a  
3 routine -- that Comcast just every time they go out and  
4 installs is doing it wrong and doing it unsafely? And so, I  
5 mean, is that the level of the safety problems we're dealing  
6 with right now?

7 MS.SCHMID: I do not know. What I know is that at  
8 a meeting yesterday various documents were shown to Judith  
9 Hooper, who, while not acting as an engineer, has had  
10 significant practical experience as -- I want to call her a  
11 pole engineer, but that probably want the term of art, but I  
12 know she's worked in the industry before and is familiar with  
13 the standards, and as a result of seeing those pictures, she  
14 was very concerned.

15 CHAIRMAN CAMPBELL: And do we know how widespread  
16 those picture are? Is that the routine thing or is that just  
17 one area? One job?

18 MS.SCHMID: There was a stack of, I believe,  
19 approximately 700 incidents. And I don't know how many  
20 attachments there are. But at least, to me, it seemed like  
21 that is a significant number. And if there is a safety  
22 problem that is widespread, perhaps we need to look at the  
23 attachment practices of all the other attachments as well,  
24 and we could open yet another docket to explore those things.

25 MR. THOMAS: Mr. Chairman, if I may, I think those