
BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

COMCAST CABLE COMMUNICATIONS, INC.,)	
)	
)	Docket No. 03-035-28
)	
Claimant,)	
v.)	
)	PREPARED REBUTTAL
)	TESTIMONY OF BRIAN M. LUND
PACIFICORP, dba UTAH POWER,)	FOR PACIFICORP
)	
)	July 14, 2004
Respondent.)	
)	

1 Q. Please state your name and business address.

2 A. My name is Brian M. Lund. My business address is 2840 East Yellow Stone,
3 Casper, Wyoming 82609.

4 Q. Did you previously submit direct testimony in this case?

5 A. Yes. It is marked as Exhibit PC 4.0, with attached Exhibits PC 4.1 through 4.4.

6 Q. What areas will your testimony address?

7 A. My testimony will address certain discrete safety issues which relate to this
8 proceeding.

9 Q. Attached to your written testimony is exhibit PC 4.6. Was this prepared by you
10 or under your direction?

11 A. Yes.

12

1 **Q. Have you read the direct testimony offered by Rodney Bell, Mark Defendall, Gary**
2 **Goldstein, Michael Harrelson, Joanne Nadalin and Martin Pollock on behalf of**
3 **Comcast in the above captioned proceeding?**

4 A. Yes. I have read their testimony.

5 **Q. Do you have an overall reaction to that testimony?**

6 A. I am troubled by Comcast's assertions that PacifiCorp will "harp" on safety
7 issues. Comcast's statements are both too broad and too narrow. They are too broad
8 because this proceeding is not "all about safety." Safety is an important reason, but it
9 is only one of the reasons for PacifiCorp's application, permitting, construction and
10 unauthorized attachment charge policies for third-party attachers. That said, all parties
11 involved in joint use must agree that safety is a serious issue and must be addressed
12 carefully and in earnest, which is the point of my direct testimony and this testimony.
13 In my view, Comcast's dismissal of PacifiCorp's safety concerns is of great concern to
14 me.

15 **Q. Were you present during the February 2004 meeting referenced by Mr. Bell in his**
16 **direct testimony?**

17 A. Yes.

18 **Q. Prior to this meeting, were PacifiCorp's post-inspection and make-ready**
19 **requirements or procedures "informal"?**

20 A. No. Prior to and after the 2002/2003 Audit, safety concerns were addressed
21 through inspections and make-ready requirements on a case-by-case basis as

1 PacifiCorp processed applications for attachments and overlashes. I disagree with Mr.
2 Bell's characterization of this process as "informal."

3 **Q. Did Mr. Bell accurately describe the tone of the 2004 meeting?**

4 A. No. Contrary to Mr. Bell's characterization, the meeting had a cooperative and
5 collegial atmosphere and was in no way adversarial. Mr. Bell's statement that Mr.
6 Clifton was not sympathetic to the difficulties of creating a plan of correction is simply
7 not correct. Mr. Clifton clearly stated that PacifiCorp was asking for a response from
8 the attendees within 30 days, indicating when a plan of correction could be expected,
9 and that PacifiCorp was willing to allow for some flexibility as to the time-frame for
10 submitting the actual plans. Further, Mr. Bell took portions of the discussion at that
11 meeting out of context. For example, the reference to Comcast's "deep pockets" was
12 made in jest and was said in the context of mutual banter between the two individuals.

13 **Q, Please respond to Mr. Bell's position that PacifiCorp presented Comcast with**
14 **years' worth of safety notices during the February 2004 meeting.**

15 A. At the February 2004 meeting, PacifiCorp presented Comcast and others with
16 the National Electrical Safety Code ("NESC") violations detected as part of the
17 2002/2003 Audit. Prior to the meeting, safety violations were presented to Comcast as
18 they were detected by PacifiCorp. The 2002/2003 Audit facilitated a system-wide
19 inventory of PacifiCorp's pole plant in Utah. As a result, PacifiCorp was able to
20 address a greater number of measured violations of the NESC throughout its pole plant
21 in Utah as part of its effort to maintain the integrity of its pole plant.

1 **Q. Do you agree with Mr. Bell’s position that some safety violations should not be**
2 **“lumped together as ‘safety issues’?”**

3 A. No. What Mr. Bell failed to acknowledge is that his employer entered into a
4 contract that obligates it to comply with all standards set forth in the NESC and all of
5 PacifiCorp’s distribution construction standards. The 1999 Agreement did not limit
6 this obligation to only those requirements that Mr. Bell deemed important.

7 **Q. In his direct testimony, Mr. Pollock claims that the Utah Department of**
8 **Transportation’s T-600 process presents Comcast with a Catch-22 situation. Do**
9 **you agree with this claim?**

10 A. No. The Utah Department of Transportation (“UDOT”) has four criteria that
11 must be met in order for PacifiCorp to sign off on the T-600 form. If the existing
12 installation does not meet any one of these criteria, the T-600 cannot be approved
13 unless Comcast indicates that it plans to perform make-ready to correct the existing
14 conditions that do not meet UDOT requirements or Comcast authorizes PacifiCorp to
15 complete the make-ready to correct the condition.

16 Comcast’s complaint regarding the T-600 process reinforces my belief that
17 Comcast does not perform adequate pole engineering when designing a job. On many
18 Comcast T-600 applications, the heights of the proposed or existing attachments
19 Comcast indicates on the application demonstrate a lack of understanding or a
20 disregard of the UDOT requirements. Exhibit 1 to Mr. Pollock’s testimony provides a
21 useful example. Exhibit 1 indicates a part of a Comcast application listing the height

1 of the proposed attachment at 18 feet. Exhibit PC 4.6 is the corresponding T-600 form
2 that Comcast is seeking PacifiCorp to approve. This form lists the minimum mid-span
3 as 18 feet, six inches. Based on a simple examination of the application and the first
4 requirement on the T-600 form, I must conclude that Comcast plans to attach at a
5 height that is less than the minimum UDOT mid-span ground clearance.

6 In my opinion, Comcast has not demonstrated any effort to identify and correct
7 existing conditions prior to asking PacifiCorp's approval on the T-600 forms. If it
8 would do so, the process for approval T-600 forms would operate more smoothly.

9 **Q. In his direct testimony, Mr. Harrelson opines that there is little need for overlash**
10 **permitting requirements because of the minimal effect that overlashing has on the**
11 **loading component of poles. Do you agree with his position?**

12 A. No. Mr. Harrelson fails to account for several factors in his statement. In most
13 cases, Comcast is making requests for third and fourth overlashes. In other words,
14 Comcast is seeking to add more equipment to an already overlashed initial attachment.
15 Further, Mr. Harrelson's conclusion does not factor in the wind and ice loading
16 variables that must be considered when determining a pole's load capacity. I also
17 disagree with Mr. Harrelson's assumption that PacifiCorp's principle reason for
18 requiring overlash permits is to ensure that the poles are not overloaded. While
19 PacifiCorp is concerned about this issue, a primary reason for the permitting process is
20 to ensure that existing clearance violations are addressed, and that new violations are
21 not created by a third party overlashing to PacifiCorp's poles.

1 **Q. Mr. Harrelson also asserts that PacifiCorp does not have inspectors qualified to**
2 **perform the loading analysis. Do you agree with this statement?**

3 A. No. PacifiCorp has inspectors qualified to collect the data required for a pole-
4 loading analysis. As Mr. Clifton stated in his deposition testimony, these individuals
5 are in PacifiCorp's engineering department.

6 **Q. Does this conclude your testimony?**

7 A. Yes.