
BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

COMCAST CABLE COMMUNICATIONS,)
INC., a Pennsylvania Corporation,)
)
) Claimant,)
vs.))
)
PACIFICORP, dba UTAH POWER , an)
Oregon Corporation,)
)
)
) Respondent.)

Docket No. 03-035-28

REBUTTAL TESTIMONY
OF
MARTIN J. POLLOCK
COMCAST CABLE COMMUNICATIONS, LLC

July 14, 2004

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

2 A: My name is Martin J. Pollock.

3 **Q: Have you reviewed the direct testimony PacifiCorp submitted in connection with**
4 **Docket No. 03-035-28?**

5 A: Yes.

6 **Q: Regarding the allegations that Brian Lund makes in his direct testimony, does**
7 **PacifiCorp require Comcast to correct all existing violations on the poles prior to**
8 **overlashing or modifying its attachments?**

9 A: PacifiCorp's policy is that Comcast may modify or overlash its facilities one day after
10 submitting an application. No one at PacifiCorp has ever told me that Comcast was
11 required to correct the pre-existing violations on the pole prior to modifying or
12 overlashing. My understanding is that PacifiCorp is requiring all third-party attachers to
13 correct all currently existing violations as a part of an initiative separate and apart from
14 Comcast's permitting application process. I believe that Rodney Bell has already
15 submitted more detailed testimony about that issue.

16 **Q: On page 4 of his testimony, Brian Lund suggests that he is in frequent contact with**
17 **you regarding "unauthorized work, unsafe work, and work violating safety**
18 **standards that has been discovered by PacifiCorp." Is this correct?**

1 A: No. At the most, I speak with Mr. Lund once or twice a month. Often, I don't speak
2 with him for several months at a time. I believe that if I had more contact with him,
3 relations between Comcast and PacifiCorp could probably improve. For example, in
4 Exhibit 4.1 of his testimony, Mr. Lund describes an incident that occurred in West
5 Haven, Utah, which I think could have been resolved quickly and easily if he had
6 notified me of it. As I understand the situation, Comcast's contractor, XL, was
7 overloading to facilities for which I had not yet submitted applications. I understand that
8 Mr. Lund's first response was to call PacifiCorp's Joint Use office in Portland and, after
9 determining that no applications were on file, he spoke with XL about PacifiCorp's
10 permitting requirements. I only found out about the incident when Scott Acuff, who
11 works for XL, called me to talk about it. I then called Tim Jackson, Comcast's Upgrade
12 Manager in that region, and explained the situation. As it turned out, Tim had indeed
13 instructed XL that Comcast had to submit applications *prior* to attaching, but for
14 whatever reason, XL misunderstood and started overloading *before* the permits were
15 submitted.

16 As the Permitting Coordinator, I am aware that occasionally there are
17 misunderstandings in the field and instances like this occur. However, I take exception
18 to Mr. Lund's implication that Comcast is habitually fails to follow permitting
19 procedures. The incident Mr. Lund described was an isolated instance, not a recurring
20 problem.

1 What I find particularly frustrating is that this incident was a permitting problem, yet
2 Mr. Lund didn't call me directly. Had he simply called me, as he suggests that he often
3 does, I could have easily fixed the problem by submitting permit applications
4 immediately. I think that this incident just goes to show how PacifiCorp is more
5 interested in catching Comcast in the act of committing some infraction than in working
6 together toward the goal of making joint use work in the field.

7 **Q: On page 24 of her testimony, Ms. Fitz Gerald identified a new pole attachment**
8 **application form that PacifiCorp developed earlier this year. Does PacifiCorp**
9 **currently require you to use this form?**

10 A: No. Although PacifiCorp distributed that form several months ago, no one has asked
11 me to change the format in which I submit applications.

12 **Q: Does this conclude your rebuttal testimony?**

13 A: Yes.