
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

SUR-REBUTTAL TESTIMONY

OF

MARTIN J. POLLOCK

COMCAST CABLE COMMUNICATIONS, LLC

July 22, 2004

1 Sur-rebuttal Testimony of Martin J. Pollock

2 **Q: Please state your name.**

3 A: Martin J. Pollock.

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

6 A: Yes.

7 **Q: On page 5 of his testimony, Brian Lund states that Comcast has not made any**
8 **effort to identify and correct existing conditions prior to asking for PacifiCorp's**
9 **approval on the T-600 forms. Do you have a response?**

10 A: Yes. I think that PacifiCorp misunderstands the fundamental purpose of the T-600
11 form. UDOT rules do not permit Comcast to correct existing conditions *until after*
12 PacifiCorp signs the T-600. In two separate recent incidents, I emailed PacifiCorp
13 employees to explain this situation. I emailed Roz Holstrom and Mark Kuhn to
14 explain Comcast could not do any make-ready or make any attachments along a state
15 highway in West Valley City, Utah, until PacifiCorp signed the T-600. I also emailed
16 Janet Johnson and Brian Lund to explain that we could not comply with UDOT
17 forced relocate requests in Riverdale, Utah, until PacifiCorp signed the T-600.
18 PacifiCorp won't sign the T-600 forms until Comcast makes the improvements, but
19 Comcast can't make improvements until PacifiCorp signs the T-600.

1 When we can't get our T-600 approvals, or if we have to wait several months (which
2 we usually do), it causes a lot of problems. In Roy, Utah, for example, we filed a T-
3 600 form for PacifiCorp's approval because we needed to install service drops across
4 a state road to reach some new subscribers. Unfortunately, it took so long to get the
5 T-600 signed that the people who requested service (our potential customers) gave up
6 and decided they didn't want our service any more.

7 I have one other comment—if PacifiCorp's permit coordinators had a problem with
8 either the way I was submitting applications or with the field data I included in those
9 applications or if I was somehow causing significant processing delays, I would
10 expect that they would either call, email or fax me with the problems. As I said in my
11 rebuttal testimony, a simple phone call could solve a lot of problems or
12 misunderstandings. It is my job to ensure that we submit the information PacifiCorp
13 wants, but I can't know what PacifiCorp wants unless someone there tells me.

14 **Q: PacifiCorp has essentially stated that you have not been properly trained to**
15 **submit the information it requires for permit applications. Do you have a**
16 **response to that assessment?**

17 A: When I first started working for Comcast (then AT&T) in 1999, most of my work
18 involved obtaining trenching and other permits from governmental entities to occupy
19 rights-of-way. Training was not an issue on these excavation permits. I would
20 simply call the various governmental permitting offices to find out what their

1 requirements were and how they preferred to receive applications. It was that simple.
2 That is the exact same thing that I did when I started submitting applications to
3 PacifiCorp. The difference was that when I started filing applications in 2002,
4 PacifiCorp was still working out the kinks in its process. My co-worker Sheryl
5 Pehrson, another Comcast permit coordinator, and I were confused and frustrated
6 because we didn't know what PacifiCorp wanted in the applications and how we were
7 supposed to submit them. That is what Sheryl Pehrson was referring to in the email
8 where she said that we were "flying by the seats of our pants." Once we got Ms.
9 Johnson's email, I felt a great sense of relief because what the email doesn't show is
10 that we had been pleading with PacifiCorp for some time to tell us what process we
11 should follow. We wanted PacifiCorp to provide us with a sample so that we could
12 submit exactly what they wanted in the format they wanted. As you can see from the
13 email attached to this testimony as Exhibit 1, in mid-2003, PacifiCorp's Roz
14 Holstrom was also confused about how the process worked and noted that the process
15 was still in transition and would likely change *again*.

16 As far as additional training is concerned, or the fact that I trained myself to submit
17 applications, I don't see how that is even an issue. Since PacifiCorp's own joint use
18 world was in transition, there was really nothing to train us in. The rules, if you can
19 call them that, were changing constantly and the best way to understand how to do
20 things was to ask our contacts at PacifiCorp, who by and large, were helpful. Even
21 with this really unpleasant dispute, I believe some of my contacts at PacifiCorp really

1 want to be helpful, although I imagine that it is not easy for them to be cooperative in
2 this environment. In any case, I just do not think that it is fair for PacifiCorp to blame
3 me, Rodney, or any other Comcast employees for not being properly trained to
4 submit applications since: (1) PacifiCorp employees were telling us what to do, and
5 (2) the procedures were constantly changing. In Ms. Holstrom's email (Exhibit 1),
6 she states that she was not even aware that the power supply application process had
7 been implemented! I don't see how PacifiCorp could expect me or other Comcast
8 employees to know things that PacifiCorp's own permit coordinators didn't even
9 know.

10 I have done exactly what PacifiCorp has asked and, as I described in my prior
11 testimony, I take extra steps to help make the process move more smoothly. If there
12 was a problem with the way I was submitting applications, I would expect that the
13 PacifiCorp permit coordinators that I have daily contact with would let me know.

14 Furthermore, in my five years of processing permits for Comcast (and AT&T) I have
15 had contact with seven different permit coordinators. As to be expected, each time a
16 new person took over this role, there was an adjustment period. For example, when
17 Janet Johnson began doing permit processing, she acknowledged that she was new to
18 the position and had made some errors. Several faxes from Ms. Johnson in which she
19 notes her transition problems are attached to my testimony as Exhibit 2.

1 **Q: Have you read Norma Fanning's rebuttal testimony?**

2 A: Yes.

3 **Q: Do you have any comments?**

4 A: Yes. I reviewed the documents Ms. Fanning provided as PacifiCorp's Exhibit 6.1.
5 Ms. Fanning was not as responsive to my requests as she implies. First, I have no
6 record of ever receiving many of the Joint Pole Notices (JPN's) that are on Ms.
7 Fanning's weekly log. Second, a number of the JPN's she identifies were for
8 transfers, relocates or change-outs. Those had nothing to do with me. Other Comcast
9 employees processed them. Moreover, I find it difficult to believe that she cleared all
10 the applications I submitted by the time she left because after I was notified that
11 William Becker was taking over Ms. Fanning's position, I started receiving a lot of
12 JPN's. I didn't recall submitting that many applications to Mr. Becker and I believe
13 he was clearing out Ms. Fanning's considerable backlog.

14 **Q: On page 4 of her testimony, Ms. Fanning suggests that you habitually provided**
15 **incorrect information. Is this correct?**

16 A: No. I think this is an example of the unfair and unfounded blame I was talking about
17 a moment ago. As I said previously, if the information I provided was wrong, then it
18 was because the PacifiCorp people I was in contact with had instructed me to provide
19 the wrong information. If my work was as poor as the PacifiCorp testimony suggests,
20 I expect that PacifiCorp would have contacted me regarding the problem.

1 That's not to say that there were never instances when PacifiCorp employees called,
2 emailed or faxed me requests for clarification or additional information. Depending
3 on field conditions, information that is available to me can sometimes be confusing or
4 incomplete. But I think that is to be expected. Information available in the field isn't
5 always complete. Permit processing involves communication back and forth to get
6 things done. And I fully expect that there will be bumps along the way. But
7 PacifiCorp shouldn't blame all of the bumps on Comcast. Many factors are
8 completely beyond Comcast's control. For example, there are poles without
9 numbers, poles that do not have a clearly defined street addresses and, of course,
10 there are internal factors such as PacifiCorp's attempts to work the kinks out of the
11 application process and get new permit coordinators trained quickly.

12 As I've indicated previously, I think that the PacifiCorp permit coordinators I deal
13 with are good people and are doing what they can to work within the process. It's
14 just that the process isn't perfect. That being said, I'm doing the best I can, based on
15 the feedback I get from PacifiCorp employees during the normal course of business,
16 to make things work as smoothly as possible. However, since PacifiCorp sets the
17 standards and requirements for the process, I think that PacifiCorp has at least equal
18 responsibility for making sure the process works smoothly.

1 **Q: On page 5 of her testimony, Ms. Fanning states that Comcast was “saving itself”**
2 **some time by just listing “general address information associated with an area”**
3 **on applications. Is this correct?**

4 A: No. I provide whatever information I have available. I even try to provide a little
5 extra information, such as maps, in order to make it easier for PacifiCorp employees
6 to process the applications. Sometimes, however, precise address information isn't
7 available. For example, a pole line could run down a highway where there are no
8 addresses marked, or it could be along a big field or river. We have no way of
9 knowing what the addresses are in those cases. So, we try to identify the poles with
10 as many landmarks or other indicators as we can. If only one address is available in a
11 general area, we will include it.

12 Other times, however, we are applying to attach to every single pole down a long
13 stretch. In those cases we will list the beginning and ending addresses to identify the
14 pole line we are applying for. And actually, I believe that I started submitted
15 beginning and ending addresses at PacifiCorp's suggestion. It was my understanding
16 that PacifiCorp could identify the poles in question using this starting and ending
17 address information. If this is not the case, I would have expected to hear this from
18 PacifiCorp in the normal course of business, and I have not.

19 I think sometimes confusion arises because PacifiCorp's permit coordinators are in
20 Portland and they aren't around to see the actual field conditions. Although I do not

1 go out into the field myself, I'm in direct contact with the people who are in the field
2 gathering information. It is possible that PacifiCorp's mapping programs may have
3 detailed address information in electronic format, but that doesn't mean that the
4 addresses are clearly posted out in the field. In these situations, a little back and forth
5 communication may be required. It doesn't mean that someone wasn't doing his or
6 her job properly. It's just the way permitting works.

7 **Q: Do you often locate poles that do not have tags with pole and map string**
8 **numbers?**

9 A: Yes. I have identified hundreds and hundreds of poles without tags, and there are
10 probably many more.

11 **Q: How do you submit an application if there are no numbers?**

12 A: I always try to identify the poles without numbers by specifically stating on the
13 application "no pole number" or "no tag." I try to provide beginning and ending
14 addresses or any other identifying information. It can be difficult to identify them
15 precisely. Sometimes PacifiCorp responds to me with maps from their own system
16 and I send them to our contractors to mark them in the field. Other times, PacifiCorp
17 sends the applications back as incomplete. It is frustrating when PacifiCorp does that
18 because we have no way of knowing what the pole numbers are if they aren't tagged
19 properly in the field.

1 **Q: But Ms. Fitz Gerald states on page 12 of her testimony that all poles were tagged**
2 **during the 1997/1998 audit.**

3 A: Our contractors are in the field every day. If they can't find any numbers on the
4 poles, there's nothing for us to submit. But I do not leave the application blank—I
5 indicate that the pole has no number by marking "no pole number" on the application.

6 **Q: Exhibit PC 1.13 attached to Corey Fitz Gerald's testimony includes an email you**
7 **sent to PacifiCorp's Sara Johnson in which you asked about the overlashing**
8 **procedures. Ms. Fitz Gerald implies that this is evidence that you lacked**
9 **training for your job. Is this correct?**

10 A: No. Although Ms. Fitz Gerald implies that I lack training, or worse, am incompetent
11 for my job, I certainly do not think that my email to Ms. Johnson indicates anything
12 of the sort. I think it was perfectly reasonable for me to ask about the procedures for
13 filing overlashing applications. Once I became aware that PacifiCorp was starting to
14 require written applications for overlashing, it only made sense to me to ask
15 PacifiCorp's permit coordinators what they wanted. It sounds like PacifiCorp is
16 faulting me for asking their people for guidance on applications processing. That just
17 doesn't make sense. If I have questions about how the process works, I will ask the
18 people in charge of administering the process. I don't see why PacifiCorp would
19 have a problem with that.

1 In any event, although Ms. Fitz Gerald seems to think that Sara Johnson sent us a
2 copy of relevant contract provisions (page 9 of her rebuttal testimony), I don't
3 remember receiving them. If Sara had sent them to me, I certainly would have looked
4 at them.

5 **Q: Ms. Fitz Gerald states that it is not PacifiCorp's policy to allow Comcast to**
6 **overlash within 24 hours of submitting an application. Is this your**
7 **understanding of PacifiCorp's policies?**

8 A: Absolutely not. I have been filing overlashing applications since 2002 and this is the
9 first time anyone has even suggested that we did not have authority to overlash within
10 24 hours of submitting an application. Approximately 98% of the applications I
11 submit are for overlashing. Neither Sara Johnson nor any other PacifiCorp employee
12 ever indicated that the 24 hour rule was limited only to new attachments.

13 **Q: In her testimony, Joyce Russell says that you couldn't possibly have had any**
14 **contact with her 1999 because she didn't work for PacifiCorp at that time. Can**
15 **you respond?**

16 A: I didn't say I had contact with her, I just said that I thought she coordinated pole
17 attachment issues. I didn't start submitting permit applications to PacifiCorp until
18 2002. I just assumed that she had been the permit coordinator prior to that time. If
19 Ms. Russell did not start working for PacifiCorp until 2001, then I don't know who
20 the permit coordinator was, or if PacifiCorp even had one before 2001. If there was

1 not a permit coordinator until Ms. Russell started in 2001, that would go along way to
2 explain why there was no formal process in place for written applications. If there
3 had been a formal process in place prior to 2002, I doubt Sheryl Pehrson and I would
4 have been pleading with Sara Johnson to tell us what the process was.

5 **Q: On page 3 of her testimony, Ms. Russell states that she communicated regularly**
6 **and frequently with you. Is this correct?**

7 A: Not that I can recall. I think that Ms. Russell may be confusing me with a different
8 Comcast employee, possibly Shelly Jensen. In addition, I have no record of receiving
9 anything from her. I'm not sure if we have ever even spoken.

10 **Q: On pages 9 and 10 of her deposition testimony, Ms. Fitz Gerald states that you**
11 **could not have had contact with Katie Stoll in 2001 because she was not**
12 **employed by PacifiCorp until 2002. Can you respond?**

13 A: Sure. First, I should clarify—again—that I did not start submitting applications until
14 2002. It was a simple error that I said I was in contact with someone at PacifiCorp in
15 2001 about applications processing. I meant 2002. I doubt I would have spoken with
16 Ms. Stoll or anyone else in 2001 about PacifiCorp's application process. So, I was
17 probably confused about whoever it was that I spoke with in 2002 and mistakenly
18 thought it was Ms. Stoll. As I said, PacifiCorp has had at least seven different permit
19 coordinators since I started submitting applications and it's a lot to remember.

1 **Q: On page 5 of his testimony, Brian Lund states that most of Comcast's**
2 **applications are for third and fourth overlashes. Is this correct?**

3 A: No. Mr. Lund is saying that Comcast is placing three or four cables on top of its
4 initial attachments. Occasionally, we submit an application for a second overlash and
5 rarely occasionally for a third. A fourth overlash would be extremely unusual. I'm
6 not an expert on construction, I just know what I have submitted.

7 **Q: Does this conclude your testimony?**

8 A: Yes.