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December 20, 2004

Steven F. Goodwill  
Administrative Law Judge  
Utah Public Service Commission  
Heber M. Wells Building  
160 East 300 South  
Salt Lake City, Utah 84114

RE: Comcast v. PacifiCorp

Dear Judge Goodwill:

On behalf of PacifiCorp, I am writing in response to Comcast's letter dated December 9, 2004. In its letter, Comcast offered comments on the information PacifiCorp provided pursuant to two information requests from Your Honor. PacifiCorp appreciates this opportunity to address the issues raised by Comcast. The following discussion demonstrates that there is no "glaring discrepancy" in any pole count information provided to the Commission.

## **I. Comcast's Conclusions Stem from Comparing Non-comparable Data Sets**

Comcast has compared the numbers provided in PacifiCorp's November 23<sup>rd</sup> letter directly to numbers provided in other contexts, both in this docket and in the Tariff 4 proceeding, and has erroneously concluded that a discrepancy exists. In PacifiCorp's November 23<sup>rd</sup> letter responding to Your Honor's information requests, PacifiCorp stated as three separate figures the number of transmission-only poles, distribution-only poles and joint-use poles. PacifiCorp tailored the content of these categories to Your Honor's request related to 2002/2003 Audit data.

Accordingly, the "joint-use category" includes both transmission and distribution poles that have communications attachments. The distribution-only category includes all distribution poles that do not have communications attachments. And the transmission-only category includes only a limited subset of PacifiCorp transmission poles in Utah—those without communications attachments, but only the small number of those that were actually visited in the 2002/2003 Audit, as explained in more detail below.

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Comcast has compared the numbers provided in PacifiCorp's November 23<sup>rd</sup> letter to estimates of total transmission and distribution poles provided in this docket as general information. Further, Comcast has compared the numbers provided in PacifiCorp's November 23<sup>rd</sup> letter, which were based upon the 2002/2003 Audit, to numbers provided in PacifiCorp's October 2003 Tariff 4 filing, which did not include data from the 2002/2003 Audit. Thus, Comcast has compared non-comparable data sets, and any perceived discrepancy results from a direct and literal comparison of distinctly different data.<sup>1</sup> Moreover, PacifiCorp submits that a thoughtful examination of those data sets shows consistency in PacifiCorp's recordkeeping.

**II. PacifiCorp's Data on Distribution Only Poles and Joint Use Poles are Consistent with Ms. Fitz Gerald's Testimony and is Based on 2002/2003 Audit Data in Fastgate**

When Ms. Fitz Gerald stated in her written Direct Testimony (at 4) and in oral testimony (at 907) that PacifiCorp owned 400,000 distribution poles and 100,000 transmission poles, she specifically noted on both occasions that the numbers she was providing at that time were approximations, not exact figures. Ms. Fitz Gerald testified that PacifiCorp owned approximately 400,000 distribution poles. This figure included both distribution-only poles (with no third-party attachments) and joint-use distribution poles (with third-party attachments).

In PacifiCorp's November 23<sup>rd</sup> letter, PacifiCorp stated separately the number of distribution-only poles and joint-use poles. These figures came from data maintained in PacifiCorp's joint use database, Fastgate, as determined by and updated following the 2002/2003 Audit. The total number of distribution-only poles stated in the November 23<sup>rd</sup> letter was 189,010. The total number of joint-use poles identified in that letter was 165,694. Although the phrase "joint use poles" for purposes of the information request and the November 23<sup>rd</sup> response includes both distribution joint use poles and transmission joint use poles, the overwhelming majority of joint-use facilities are maintained on distribution facilities rather than transmission facilities. In other words, comparatively few joint use attachments are made on transmission poles.

Therefore, one can add the number of "distribution-only poles" and "joint use poles" identified in the November 23<sup>rd</sup> letter to arrive at a reasonable approximation of the total number of "distribution poles," while including the small number of transmission poles with joint use. The result is a total of 354,704 poles. This number is in line with Ms. Fitz Gerald's estimation of 400,000 distribution poles provided in her testimony as general information and is in no way a "glaring discrepancy" as Comcast now asserts.

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<sup>1</sup> PacifiCorp counsel explained to Comcast counsel in the course of the telephone conversation mentioned in Comcast's December 9<sup>th</sup> letter that the "transmission only" poles referenced in PacifiCorp's November 23<sup>rd</sup> letter did not reflect the total number of PacifiCorp transmission poles in Utah.

**III. PacifiCorp's Data on "Transmission-Only" Poles is Consistent with Ms. Fitz Gerald's Testimony and is Based on 2002/2003 Audit Data in Fastgate**

With regard to transmission facilities, Ms. Fitz Gerald testified that PacifiCorp owned approximately 100,000 transmission poles in Utah. The figure provided in PacifiCorp's November 23<sup>rd</sup> letter for "transmission-only poles" was listed as 7,038. It is important to note two things here about the scope of PacifiCorp's response. First, for purposes of responding to Your Honor's information request, PacifiCorp interpreted the term "transmission-only poles" to mean those transmission poles that had no joint use attachments.

Second, Your Honor's November 4, 2004 letter specifically requested that PacifiCorp provide the total number of distribution, transmission, and joint-use poles specific to Utah "[a]s **identified** by the 2002/2003 Audit." As Ms. Fitz Gerald testified at the hearing, the "fielders" did not count all of PacifiCorp's transmission poles during the 2002/2003 Audit, but only counted transmission facilities with street lights, distribution underbuild or joint-use facilities. (See, August 26, 2004 Transcript of Hearing at 908). Such transmission poles are a drastically smaller subset than the universe of PacifiCorp-owned transmission poles, as such higher voltage facilities are typically not prevalent in populous areas where an entity might wish to attach streetlights, distribution lines or communications cables.

Thus, the response to Your Honor's request for "transmission-only" poles identified by the 2002/2003 Audit included only transmission poles counted in the 2002/2003 Audit but without joint use attachments; *i.e.*, transmission poles with street lights or distribution underbuild. The November 23<sup>rd</sup> response identified 7,038 "transmission-only" poles, which of course excludes the vast majority of PacifiCorp's transmission poles. Adding this figure to distribution only and joint use poles results in a total of 361,742 PacifiCorp-owned poles in Utah "identified" by the 2002/2003 Audit and recorded in Fastgate.

However, PacifiCorp owns tens of thousands more transmission poles in Utah than those either identified by the 2002/2003 Audit or defined as "transmission-only" in its November 23<sup>rd</sup> response. This fact accounts for any inconsistency perceived by Comcast between the 361,742 Utah poles referenced in PacifiCorp's November 23<sup>rd</sup> letter and (a) Comcast's summation of Ms. Fitz Gerald's testimony of approximately 100,000 PacifiCorp-owned transmission poles and 400,000 PacifiCorp-owned distribution poles in Utah, or (b) the 424,302 transmission and distribution poles noted in PacifiCorp's Tariff 4 filing.

One could add the number of "distribution-only poles" and "joint use poles" identified in the November 23<sup>rd</sup> letter, to the approximately 100,000 transmission poles Ms. Fitz Gerald identified in her testimony, to arrive at a reasonable approximation of the total number of transmission and distribution poles PacifiCorp owns in Utah, though a small double-counting of joint-use transmission poles would be included in the 454,704 pole total. In any case, this number is in

TROUTMAN SANDERS LLP  
ATTORNEYS AT LAW  
Judge Steven F. Goodwill  
December 20, 2004  
Page 4

line with Comcast's summation of Ms. Fitz Gerald's testimony of approximately 100,000 PacifiCorp-owned transmission poles and 400,000 PacifiCorp-owned distribution poles, as well as the 424,302 poles presented in the Tariff 4 filing.

**IV. The Comparisons Made by Comcast are Not Relevant**

At the end of the day, the alleged discrepancy in PacifiCorp's pole count is irrelevant at every level. It is irrelevant in the Tariff 4 proceeding because that proceeding has been superseded by Docket 04-999-03, and the 2002/2003 Audit data, as updated, will replace the data relied on in the Tariff 4 filing when subsequent rates are filed with the Commission by PacifiCorp as soon as the final rule is issued.

Furthermore, the combined total number of PacifiCorp transmission and distribution poles located in Utah in October 2003, at the conclusion of the 2002/2003 Audit, in the course of this proceeding, or at the present, is not at issue. To the extent the accuracy of pole records is a major element of this proceeding, only the accuracy of PacifiCorp's 2002/2003 Audit data pertaining to joint-use poles, as entered and recorded in Fastgate and then compared with prior Fastgate records, is at issue. Nothing Comcast has raised in its December 9<sup>th</sup> letter relates to the accuracy of those records.

Please do not hesitate to contact me should you have further questions or concerns.

Sincerely,

Charles A. Zdebski

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## CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2004 a true and correct copy of the **FOREGOING LETTER FROM CHARLES A. ZDEBSKI TO JUDGE STEVEN GOODWILL** was sent via e-mail or mailed, postage prepaid, to:

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