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Submitted January 20, 2005
[Corrected January 21, 2005]

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

COMCAST CABLE)	
COMMUNICATIONS, INC., a)	
Pennsylvania Corporation,)	Docket No. 03-035-28
)	
Claimant,)	
vs.)	PACIFICORP'S COMPLIANCE
)	FILING CONCERNING
PACIFICORP, dba UTAH POWER , an)	"LEASED POLES"
Oregon Corporation,)	[Corrected]
)	
Respondent.)	

Pursuant to the Commission's December 21, 2004, Report and Order ("Order"), PacifiCorp submits this Compliance Filing concerning "Leased Poles" in the captioned proceeding.

A. Leased Poles

In its Order, the Commission instructed PacifiCorp to provide "information indicating the number of PacifiCorp-owned poles in Utah identified during the 2002/2003 Audit as mislabeled 'leased' poles for which PacifiCorp has previously billed Comcast back rent and/or unauthorized attachment charges." Order at 48.¹ A "leased pole" is a pole that was symbolized on PacifiCorp's FastGate map as being foreign-owned—that is, owned by a utility other than PacifiCorp. In other words, PacifiCorp would be leasing space on this pole from another pole owner. For the purposes of this filing, a "potentially misidentified leased pole" is a pole that is listed in FastGate as leased, but that supports no facilities owned by a pole-owning entity other than PacifiCorp. Because PacifiCorp is the only pole-owning entity with facilities on the pole, the inference is that the pole may actually be owned by PacifiCorp, and, therefore, the pole may be misidentified as a leased pole.

1. Identification of Misidentified Leased Poles

At the hearing of this matter, Comcast offered into evidence an unsolicited proposal directed to PacifiCorp by Osmose, the contractor retained by PacifiCorp to conduct the 2002/2003 Audit. The Osmose proposal stated that there could be numerous poles in PacifiCorp's Utah service territory that are mislabeled as leased poles, when in fact PacifiCorp is the actual owner of the pole. No one at PacifiCorp recalled requesting

¹ Pagination is from the Commission's e-mailed WordPerfect version of the Order.

or receiving a copy of the proposal prior to this proceeding, and PacifiCorp never agreed to the work contained in the proposal.

Rather, Mr. James Coppedge testified that potentially misidentified leased poles were discussed with Chris Diliberto, an Osmose employee. Hearing Transcript at 958-61. Based on these discussions, PacifiCorp learned that Osmose's belief that it had found potentially misidentified leased poles was based on its discovery of a number of poles, listed as leased, where PacifiCorp was the only pole-owning entity maintaining facilities on the pole. Prior to reporting this condition to PacifiCorp, Osmose had passed by approximately 7,000 such poles without collecting any information regarding cable or fiber attachments. Because no joint-use information was collected, Comcast was not billed for any unauthorized-attachment charges for those 7,000 plus poles.

Once Osmose personnel contacted PacifiCorp about its findings, Mr. Coppedge instructed Osmose fielders to collect joint-use information on the remaining poles that were listed as leased, but which supported no facilities of a pole-owning entity other than PacifiCorp. PacifiCorp's present analysis is based, therefore, on the joint-use information collected by Osmose on all poles in Utah, other than the 7,000 poles that Osmose had passed by.

2. Data Collection and Billing Process

Pursuant to the Commission's Order, PacifiCorp has sought to determine the number of leased poles to which Comcast was attached and then, further, to identify any such leased poles where Comcast was invoiced for unauthorized attachments. In order to present PacifiCorp's analysis more fully, the following discussion provides a brief

description of the PacifiCorp databases and Osmose's data collection during the 2002/2003 Audit.

PacifiCorp had provided Osmose with a digital copy of its maps, which indicate by symbol the poles PacifiCorp had recorded in FastGate as foreign-owned ("leased poles") versus PacifiCorp-owned. The digital copies of the maps were provided to Osmose using FastGate Mobile software so that records pertaining to the poles on the maps could be captured in the field. After the data were collected in the field, they were electronically submitted to PacifiCorp.

The data collected during the 2002/2003 Audit were electronically compared to PacifiCorp's existing records in JTU, a non-graphic internal mainframe database of pole-attachment records used for billing and notification purposes. The results of the comparison generated a Mismatch Report—a report of poles to which there were cable or fiber attachments, but for which there was no record of attachment authorization. This report was then analyzed by PacifiCorp personnel. After this analysis was completed, the resulting poles with unauthorized attachments were uploaded into JTU, and billing statements were generated.

3. PacifiCorp's Leased-Pole Analysis

The records in FastGate and JTU can be compared by running queries against both systems to provide a side-by-side analysis of JTU billing records and FastGate inventory results. In conducting its analysis pursuant to the Commission's Order, PacifiCorp's first step was to determine how many poles fall into the category of potentially misidentified leased poles. The total number of poles that fall into that category is 7,843 poles. This number was determined by querying the FastGate database

for poles in Utah, that were designated as foreign-owned, and upon which no other pole owner maintains facilities.

PacifiCorp next determined the number of potentially misidentified leased poles to which Comcast is attached by querying the FastGate database. PacifiCorp added the additional parameter of the existence of a Comcast attachment to the original FastGate query that yielded 7,843 poles to make this determination. Of the 7,843 potentially misidentified leased poles, 156 poles were identified as supporting a Comcast attachment.

Lastly, PacifiCorp queried the JTU database to determine how many poles of the 156 with a Comcast attachment were associated with an invoice to Comcast for an unauthorized attachment. This analysis yielded a total of eight instances where unauthorized-attachment charges were invoiced; these were associated with the eight potentially misidentified leased poles supporting a Comcast attachment.

In accordance with the Commission's Order, the refund amount resulting from PacifiCorp's analysis of potentially misidentified leased poles is \$591.60 (8 x \$73.95).

B. Refund

In its Order, the Commission instructed PacifiCorp to refund to Comcast "any amount over \$3,773,330.47 which Comcast previously paid to PacifiCorp in unauthorized attachment, back rent, and 2002/2003 Audit charges." Order at 47. On January 14, 2005, PacifiCorp refunded to Comcast \$1,599,868.53 in compliance with the Commission's Order.²

RESPECTFULLY SUBMITTED this 21st day of January, 2005.

PACIFICORP

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² A copy of the transmittal letter indicating payment to Comcast is attached to this filing as Exhibit A.

EXHIBIT A

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825 N.E. Multnomah St.
Portland, OR 97232



January 14, 2005

Mr. Michael Woods
Comcast Communications, Inc.
183 Inverness Dr. West, Suite 200 South
Englewood, CO 80112

Re: PSC Utah Docket No. 03-035-28 Refund

Dear Mr. Woods:

Pursuant to the December 21, 2004, Order of the Utah Public Service Commission in Docket No. 03-035-28, enclosed is a check payable to Comcast Communications, Inc. ("Comcast") for \$1,599,868.53. This is the difference between (a) \$5,373,199.00 originally paid to PacifiCorp under the terms of the September 8, 2003, agreement, and (b) the finding of the Commission that, on the evidence presented at the hearing in this docket, Comcast was liable to PacifiCorp for \$3,773,330.47 for back pole-rental charges, unauthorized attachment fees, and audit costs.

Pursuant to the Commission's order, the enclosed check is made payable to Comcast Communications, Inc. If you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gerit F. Hull".

Gerit F. Hull
Attorney, Commercial

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of January, 2005, a true and correct copy of **PacifiCorp's Compliance Filing [Corrected]** was sent via e-mail and mailed, postage prepaid to:

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And a true and correct copy was served via electronic mail and hand-delivery to:

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