

NESC Prioritization Of Repairs Comments by Communications Operators

February 12, 2007

We support the Prioritization of Repairs committee report contained in the OJUA Inspection/Correction Committee Final Report, dated June 10, 2004, and the subsequent Administrative Law Judge (ALJ) ruling.

The OJUA Prioritization of Repairs Committee report recommended categorizing violations with an A, B or C designation based on severity. The committee recommended adoption of their work by the OJUA Board, who presented the work to the OPUC Safety Staff. The proposal was rejected by staff, thus prompting AR 506. Issues OPUC Safety Staff had with the OJUA recommendations were:

- The use of category “C”
- They felt that any item not corrected within the following year of discovery was not in compliance with NESC rules.
- They also felt it created liability for both the utility and the PUC.
- Concerns with worker safety
- Concerns with a tracking system.

The Administrative Law Judge (ALJ) considered the arguments, and made a ruling on 9/26/2006 (Order Number 06-547). In it, she recognized that the use of category “C” was appropriate. The previous work by the OJUA Prioritization of Repairs Committee was referenced in the ALJ’s comments, where she specifically gave the following Category “C” examples:

- Fire hydrant less than three feet from the pole with approval by affected parties
- Climbing space violations where the pole is accessible by mechanical means
- Clearance between power and communications lines less than 40 inches but greater than 30 inches at the pole.
- Clearance between communication facilities at the pole less than 12 inches.

The ALJ further commented:

- The Commission will carefully consider the risks to people and property.
- The OJUA report provided the best compromise position, with the addition of a ten-year cap on repair of category C violations.
- The OJUA report was endorsed by PGE and PacifiCorp
- The ten-year requirement, or next major work activity, whichever comes first, provides a balance for Staff, which is concerned that these violations will never be fixed, etc.

The primary focus for communication companies is the elimination of pole replacements when the “less than 40 inch, but greater than 30 inch” clearance issues, for neutral or secondary, exist at the pole

Communication companies believe existing NESC allowances, such as those listed below; further support the ALJ’s references regarding category C violations listed in the original OJUA proposal. The NESC currently allows for the following:

- Street light bracket clearance to Communication facilities: 20 inches if not grounded (NESC Code 238 C - table 2 exception 4)
- Street light bracket clearance to Communication facilities: 4 inches if grounded (NESC Code 238 C - table 2)
- Street light wire clearance to Communication facilities: 12 inches if not covered (*NESC Code 238 D*)
- Street light wire clearance to Communication facilities: 3 inches if covered (*NESC Code 238 D exception may be reduced to 3” if loop is covered by a suitable nonmetallic covering that extends at least 2” beyond the loop*)
- Power to Communication drop clearance at the home: 12 inches (*NESC Code 235 C 1b exception 3*)
- Power to Communication clearance of 30 inches for adequately grounded neutral (*NESC Code 235 C – 2b – (1)(a) exception 1*)
- Power to Communication clearance of 30 inches for grounded transformer (*NESC Table 238-1 (1) exception 1*)
- Clearance between Communication facilities at the pole or in the span can be reduced from 12 inches (*NESC Code 235 H 1 Not to be less than 12” unless by agreement*)(*NESC Code 235 H 2 not to be less than 4” between communication of equipment or span except by agreement*)
- Qualified workers can ascend pole over Communication messengers (*NESC Code 236 G*)

The drilling of additional holes in the pole to obtain a change of separation in inches can actually result in structure weakness (Swiss cheese effect).

When dealing with a “less than 40 inch, but greater than 30 inch” clearance issue that requires a pole change out communication companies recommend, that rather than replacing the pole, the violation can be placed in the C category by meeting one of the two requirements:

1. All facilities are bonded and grounded to the power ground at the pole. If no power ground exists, the communication company will pay the power company a reasonable fee to install the ground for bonding purposes.
2. The power company can raise the neutral at the pole and charge the communication company a reasonable fee.

Either of the above solutions adequately addresses worker safety.

Further, communication companies also believe any existing Pole Attachment contracts and Standards that conflict with the ALJ's ruling should be addressed by addendum and should include the two options listed above for mitigation of the 40 inch clearance issue at the pole

Pole occupants should not be forced to pay pole owners for a new pole, the labor to install the pole, the labor to transfer the pole owner's facilities, the labor for other entities to transfer, the cost to transfer their own facilities and then pay the pole owner rental. All of this in order to correct a less than 40 inch but greater than 30 inch violation at the pole.