

# DERIVATION METHODOLOGY OF PGE FEE SCHEDULE – 2009

## For Wireline Attachments to Distribution Poles

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### Based on OAR 860-028-0110

- The pole attachment rental rate per foot is computed by multiplying the pole cost by the carrying charge and then dividing the product by the usable space per pole. The rental rate per pole is computed as the rental rate per foot multiplied by the licensee's authorized attachment space.

"Carrying charge" means the costs incurred by the owner in owning and maintaining poles or conduits. The carrying charge is expressed as a percentage. The carrying charge is the sum of the percentages calculated for the following expense elements, using owner's data from the most recent calendar year and that are publicly available to the greatest extent possible:

(a) The administrative and general percentage is total general and administrative expense as a percent of net investment in total plant.

(b) The maintenance percentage is the overhead line maintenance expense as a percent of net investment in overhead plant facilities.

(c) The depreciation percentage is the depreciation rate for gross pole investment multiplied by the ratio of gross pole investment to net investment in poles.

(d) Taxes are total operating taxes, including, but not limited to, current, deferred, and "in lieu of" taxes, as a percent of net investment in total plant.

(e) For a public utility, the cost of money is equal to the rate of return on investment authorized by the Commission in the pole or conduit owner's most recent rate or cost proceeding;

- The rental rates do not include the costs of permit application processing, pre-construction activity, post construction inspection, make ready work, and the costs related to unauthorized attachments. Charges for activities not included in the rental rates will be based on actual costs, including administrative costs, and will be charged in addition to the rental rate.
- Authorized attachment space for rental rate determination must comply with the following:
  - (a) The initial authorized attachment space on a pole must not be less than 12 inches. The owner may authorize additional attachment space in increments of less than 12 inches.
  - (b) For each attachment permit, the owner must specify the authorized attachment space on the pole that is to be used for one or more attachments. This authorized attachment space will be specified in the owner's attachment permit.
- As pole owner PGE must provide notice to the occupant of any change in rental rate or fee schedule a minimum of 60 days prior to the effective date of the change. This section of the Oregon Administrative Rules Division 028 has become effective on January 1, 2008.

1. **Rent –**

- The compliant annual rental rate for an attachment and one foot of space on distribution poles ..... **\$12.06**  
Refer to Table 1 line i.
- The non-compliant annual rental rate for an attachment and one foot of space on distribution poles.... **\$13.46**  
Refer to Table 1 line j.

**Table 1.**

<b>Calculation of 2009 UAM Base Plus Rate</b>		
a. Attachment Count (2007 YE)	223587	
b. UAM Permit Processing NOT in Carrying Charges*	\$ 638,723	<i>From 2008 UAM Cost Allocation Model</i>
c. UAM Permit Processing Fee per attachment (b. / a.)	2.85671	
d. Annual Grid cost apportioned to UAM	\$ 17,612	<i>Determined by IT</i>
e. GRID per Attachment Increment (d. / a.)	\$ 0.07877	
f. UAM Permit Processing per Attachment (c. + e.)	\$ 2.93548	
g. 2009 Base Attachment Rate for Distribution Poles (Non-Compliant):	\$ 10.55558	<i>Calculated by RaRA</i>
h. 2008 Base Attachment Rate for Distribution Poles (Compliant):	\$ 9.12915	<i>Calculated by RaRA</i>
i. 2009 Base Plus Rate (Compliant) (f.+g.)	\$ 12.06463	→ Round down <b>\$12.06</b>
j. 2009 Base Plus Rate (Non-Compliant) (f.+h.)	\$ 13.49106	→ Round down <b>13.46</b>

**Rent calculation breakdown:**

- The compliant annual rental rate for one foot of space on distribution poles:..... **\$9.13**  
*Calculated by PGE's Rates and Regulatory Affairs Department, refer to Table 2.*
- The non-compliant annual rental rate for one foot of space on distribution poles:..... **\$10.56**  
*Calculated by PGE's Rates and Regulatory Affairs Department, refer to Table 3.*
- UAM permit processing fee per attachment ..... **\$2.94**  
*Calculated by PGE's Utility Asset Management Department, refer to Table 1 line f. and Table 4 for UAM Cost Allocation Model*

**Table 2.**

POLE RENTAL RATE FOR YEAR 2009 FOR ATTACHMENTS TO PORTLAND GENERAL ELECTRIC COMPANY DISTRIBUTION POLES CALCULATED IN CONFORMANCE WITH OREGON PUC RULES (20" Safety Space)			
1.	<u>NET COST OF A BARE POLE</u>		
	A. Gross Pole Investment Acct. 364	\$255,210,072	From 2007 FERC Form 1, pg 207, ln 60
	B. Depreciation Reserve-Poles	177,577,182	Asset Accounting Work Papers
	C. Accum. Def. Income Taxes	9,313,269	Asset Accounting Work Papers
	D. Net Pole Investment (A-B-C)	68,319,621	
	E. X-arms, Etc. = (D*.15)	10,247,943	
	F. Net Pole Inv. Less X-arms (D-E)	58,071,677	
	G. Total Distribution Poles in Service	228,729	
	H. Net Cost of Bare Pole (F/G)	253.89	
2.	<u>DEPRECIATION RATE ADJUSTED TO REFLECT NET INVESTMENT</u>		
	A. Depreciation Rate For Gross Pole Investment	4.774%	Asset Accounting Work Papers
	B. Gross Pole Investment (1.A)	\$255,210,072	
	C. Net Pole Investment (1.D)	68,319,621	
	D. Gross Pole/Net Pole Investment Ratio Equals (B/C)	3.736	
	E. Depreciation Rate Net Investment (A*D)	17.83%	
3.	<u>ADMINISTRATIVE &amp; GENERAL EXPENSE FACTOR</u>		
	A. Total Admin. & Gen. Exp	\$119,689,092	From 2007 FERC Form 1, pg 323, ln 197
	B. Gross Plant Investment	\$5,024,227,457	From 2007 FERC Form 1, pg 200, ln 13
	C. Plant Depreciation Reserve	\$2,408,841,933	From 2007 FERC Form 1, pg 200, ln 14
	D. Accum. Def. Income Taxes	\$216,501,949	From Account Inquiry (see workpapers)
	E. Net Plant Investment (B-C-D)	2,398,883,575	
	F. Admin & Gen Expense Factor (A/E)	4.99%	
4.	<u>MAINTENANCE EXPENSE FACTOR</u>		
	A. Overhead Line Maint Exp.	\$22,260,228	Five-year Moving Average
	B. Gross Pole Investment (364)	\$230,456,293	Five-year Moving Average
	C. Gross OH Conductor Invest. (365)	\$363,526,369	Five-year Moving Average
	D. Gross Services Invest. (369)	\$301,491,776	Five-year Moving Average
	E. Depreciation Reserves Acct's (364, 365, & 369)	\$544,978,428	Five-year Moving Average
	F. Accum Def. Income Taxes	\$28,752,267	Five-year Moving Average
	G. Net Invest in Poles, OH cond. & Serv. (B+C+D-E-F)	321,743,743	
	H. Main Esp Factor (A/G)	6.92%	
5.	<u>NORMALIZED TAX FACTOR (Expressed as % of Net Plant Invest)</u>		
	A. Taxes other than Income, Acct 408.1	\$80,020,196	From 2007 FERC Form 1, pg 114, ln 14
	B. Income Taxes - Federal, Acct 409.1	\$47,498,760	From 2007 FERC Form 1, pg 114, ln 15
	C. Income Taxes - Other, Acct 409.1	\$4,071,521	From 2007 FERC Form 1, pg 114, ln 16
	D. Deferred Income Taxes, Acct410.1	\$47,070,286	From 2007 FERC Form 1, pg 114, ln 17
	E. Def. Income Tax Credit, Acct 411.1	-\$25,681,939	From 2007 FERC Form 1, pg 114, ln 18
	F. Investment Tax Credits, Acct 411.4	-\$1,460,621	From 2007 FERC Form 1, pg 114, ln 19
	G. Total (A thru F)	151,518,203	
	H. Net Plant Investment (3.E)	2,398,883,575	
	I. Normalized Tax Factor (G/H)	6.32%	
6.	<u>COST OF CAPITAL = AUTHORIZED RATE OF RETURN</u>		
	A. Authorized Rate of Return	8.29%	Weighted Cost of Capital: Order No. 07-015 from UE-180/181/184
7.	<u>COMBINED CARRYING CHARGE FACTOR - POLES</u>		
	A. Depreciation Exp Factor (2.E)	17.83%	
	B. Admin & Gen Exp Factor (3.F)	4.99%	
	C. Maintenance Exp Factor (4.H)	6.92%	
	D. Tax Normalization Factor (5.I)	6.32%	
	E. Authorized Rate of Return (6.A)	8.29%	
	F. Total Carrying Charge Factor (A thru E)	44.35%	
8.	<u>AMOUNT OF REQUESTED SPACE / USABLE SPACE</u>		
	A. Usable space on 40' pole	12.33	40' - 6' - 20' - 40"
	B. Requested space	1	0.081081081 1' per space contract or contact contract
9.	<u>ANNUAL RENTAL RATE PER POLE ATTACHMENT</u>		
	A. Net cost of Bare Poles (1H)	\$253.89	
	B. Total Carrying Charge Factor (7F)	0.4435	
	C. Percentage of Requested Space (8B)	0.0811	
	D. 2009 Basic Rental Rate (A*B*C)	\$9.13	

**Table 3.**

POLE RENTAL RATE FOR YEAR 2009 FOR ATTACHMENTS TO PORTLAND GENERAL ELECTRIC COMPANY DISTRIBUTION POLES CALCULATED IN CONFORMANCE WITH OREGON PUC RULES (40" Safety Space)		
<b>1. NET COST OF A BARE POLE</b>		
A. Gross Pole Investment Acct. 364	\$255,210,072	From 2007 FERC Form 1, pg 207, ln 60
B. Depreciation Reserve-Poles	177,577,182	Asset Accounting Work Papers
C. Accum. Def. Income Taxes	9,313,269	Asset Accounting Work Papers
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E. X-arms, Etc. = (D*.15)	10,247,943	
F. Net Pole Inv. Less X-arms (D-E)	58,071,677	
G. Total Distribution Poles in Service	228,729	
H. Net Cost of Bare Pole (F/G)	253.89	
<b>2. DEPRECIATION RATE ADJUSTED TO REFLECT NET INVESTMENT</b>		
A. Depreciation Rate For Gross Pole Investment	4.774%	Asset Accounting Work Papers
B. Gross Pole Investment (1.A)	\$255,210,072	
C. Net Pole Investment (1.D)	68,319,621	
D. Gross Pole/Net Pole Investment Ratio Equals (B/C)	3.736	
E. Depreciation Rate Net Investment (A*D)	17.83%	
<b>3. ADMINISTRATIVE &amp; GENERAL EXPENSE FACTOR</b>		
A. Total Admin. & Gen. Exp	\$119,689,092	From 2007 FERC Form 1, pg 323, ln 197
B. Gross Plant Investment	5,024,227,457	From 2007 FERC Form 1, pg 200, ln 13
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E. Net Plant Investment (B-C-D)	2,398,883,575	
F. Admin & Gen Expense Factor (A/E)	4.99%	
<b>4. MAINTENANCE EXPENSE FACTOR</b>		
A. Overhead Line Maint Exp.	\$22,260,228	Five-year Moving Average
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E. Depreciation Reserves Acct's (364, 365, & 369)	544,978,428	Five-year Moving Average
F. Accum Def. Income Taxes	28,752,267	Five-year Moving Average
G. Net Invest in Poles, OH cond. & Serv. (B+C+D-E-F)	321,743,743	
H. Main Esp Factor (A/G)	6.92%	
<b>5. NORMALIZED TAX FACTOR (Expressed as % of Net Plant Invest)</b>		
A. Taxes other than Income, Acct 408.1	\$80,020,196	From 2007 FERC Form 1, pg 114, ln 14
B. Income Taxes - Federal, Acct 409.1	\$47,498,760	From 2007 FERC Form 1, pg 114, ln 15
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E. Def. Income Tax Credit, Acct 411.1	-\$25,681,939	From 2007 FERC Form 1, pg 114, ln 18
F. Investment Tax Credits, Acct 411.4	-\$1,460,621	From 2007 FERC Form 1, pg 114, ln 19
G. Total (A thru F)	151,518,203	
H. Net Plant Investment (3.E)	2,398,883,575	
I. Normalized Tax Factor (G/H)	6.32%	
<b>6. COST OF CAPITAL = AUTHORIZED RATE OF RETURN</b>		
A. Authorized Rate of Return	8.29%	Weighted Cost of Capital: Order No. 07-015 from UE-180/181/184
<b>7. COMBINED CARRYING CHARGE FACTOR - POLES</b>		
A. Depreciation Exp Factor (2.E)	17.83%	
B. Admin & Gen Exp Factor (3.F)	4.99%	
C. Maintenance Exp Factor (4.H)	6.92%	
D. Tax Normalization Factor (5.I)	6.32%	
E. Authorized Rate of Return (6.A)	8.29%	
F. Total Carrying Charge Factor (A thru E)	44.35%	
<b>8. AMOUNT OF REQUESTED SPACE / USABLE SPACE</b>		
A. Usable space on 40' pole	10.67	40' - 6' - 20' - 40"
B. Requested space	1	0.09375
<b>9. ANNUAL RENTAL RATE PER POLE ATTACHMENT</b>		
A. Net cost of Bare Poles (1H)	\$253.89	
B. Total Carrying Charge Factor (7F)	0.4435	
C. Percentage of Requested Space (8B)	0.0938	
D. 2009 Basic Rental Rate (A*B*C)	\$10.56	

**Table 4.**

<b>2008 COST ALLOCATION MODEL</b>		
UAM Permitting Support for Customers Attaching to PGE Poles		
<b>Cost Elements</b>	<b>Permitting Support</b>	
(Derived from PGE Job# RU000 - does not roll up to any FERC accounts)	<b>Others on PGE</b>	
	<b>% Time</b>	<b>\$</b>
PGE Labor CE 11, 12, 16, 17:		
Billing	83%	\$ 29,214
Permitting	78%	\$ 144,459
Inspection support not billed to licensees	27%	\$ 160,846
Data Management	8%	\$ 8,336
Analyst	56%	\$ 39,267
<b>SUBTOTAL: NON-MANAGERIAL LABOR</b>		<b>\$ 382,122</b>
Management	58%	\$ 207,808
<b>SUBTOTAL: PGE LABOR</b>		<b>\$ 589,930</b>
21 Contract Labor - Straight Time		\$ 12,407
36 Material & Equipment Purchased		\$ 5,433
49 Other Outside Services		\$ 5,090
61 Employee Business Expense		\$ 25,863
<b>SUBTOTAL: NON-FTE Permit Processing Expenses</b>		<b>\$ 48,793</b>
<b>TOTAL</b>		<b>\$ 638,723</b>

**2. Sanctions<sup>1</sup>:**

- No Contract.....**\$500.00/pole**  
*Based on OAR 860-028-0130(1)*
- No Permit
  - Found by Pole Owner: .....**\$100 per pole + 5 X current annual rental rate**  
*Based on OAR 860-028-0140(2)(b)*
  - Self-Identified by Occupant: .....**5 X current annual rental rate**  
*Based on OAR 860-028-0140(2)(a)*
- Violation of Other Duties..... **\$200.00 /pole**  
*Based on OAR 860-028-0150(1)*

**3. Field Inspection Activity including:**

- Pre-Inspection:..... **\$81.50** per hour  
*Refer to Table 5.*
- Post Construction Activity:..... **\$81.50** per hour  
*Refer to Table 5.*
- Special Inspections: ..... **\$81.50** per hour

Refer to Table 5.

**Table 5.**

<b>Labor - Sraight Time</b>	Blended Rate of Field Employees	<b>\$ 73,277</b>
	Payroll Loadings	\$ 52,027
<b>UAM Management</b>	Employee Supervision	\$ 34,587
<b>Vehicle</b>	Employee Vehicle Ownership Plan (\$215/month) + Mileage (10,000@\$.505/mile)	\$ 7,630
<b>Field Equipment</b>	(Various safety and field supplies)/useful life of 5 years + recurring cell phone charges	\$ 1,955
	<b>Total Per person per year</b>	<b>\$ 169,476</b>
	<b>Loaded Hourly rate</b>	<b>\$ 81.50</b>

4. **Pre-construction Activity:** ..... **Actual Cost**  
Based on 2008 Flat Rate Billing Schedules issued by PGE's Rates and Regulatory Affairs Department.
5. **Engineering Time<sup>2</sup>:** ..... **Actual Cost**  
Based on 2008 Flat Rate Billing Schedules issued by PGE's Rates and Regulatory Affairs Department.
6. **Make Ready Charges:** ..... **Actual Cost**  
Based on 2008 Flat Rate Billing Schedules issued by PGE's Rates and Regulatory Affairs Department.
7. **Maps as Specifically Requested by Customer:** ..... **\$25.00** per map  
Based on 2008 Flat Rate Billing Schedules issued by PGE's Rates and Regulatory Affairs Department.
8. **Late Payment Finance Charge<sup>1</sup>:** ..... **18%** per annum or max allowed by law  
Specified in occupants' Joint Use contracts
9. **One Time Anchor Fees:**
  - o Down Guy Anchor..... **\$212.00** per attachment  
Based on 2008 Flat Rate Billing Schedules issued by PGE's Rates and Regulatory Affairs Department, refer to Table 6.
  - o Sidewalk Pipe Anchor..... **\$253.00** per attachment  
Based on 2008 Flat Rate Billing Schedules issued by PGE's Rates and Regulatory Affairs Department, refer to Table 6.

**Table 6.**

	2008 Average Cost Of Anchoring And Guying	Charge for One of Three Assumed Users
Helix anchors -with 1-2" square rod and guy markers	\$638	\$212.67
Sidewalk pipe (diameter 2-2") and fixtures	\$760	\$253.33

→	Round down	\$212
→	Round down	\$253

10. Hardcopy Emergency Services Reports or other Government related Reports  
 Provided to Occupant ..... **Actual Cost**
11. Lower & Haul, Topping, Landscaping, Setting Poles, and Cost of Poles fees are charged according to 2008 Flat Rate Billing Schedule available upon request.
12. Wasted Trip..... **\$245.00** or actual cost  
*Calculated by PGE's Rates and Regulatory Affairs Department, refer to Table 7.*

**Table 7.**

<b>UAM Wasted Trip Fee Calculation :</b>		
<b>Labor Costs</b>		Sources:
Working Foreman	\$39.93	PGE labor contract 9/1/2008 rate p.60
Equipment Operator	\$27.43	PGE labor contract 9/1/2008 rate p.70
Equipment Operator	\$27.43	PGE labor contract 9/1/2008 rate p.70
<b>Total Straight Time Labor</b>	<b>\$94.79</b>	
Straight time labor loading	\$145.03	2008 APPB for Standard Billing Jobs
Tool loading @ 9%	\$8.53	2008 APPB for Standard Billing Jobs
Stores Loading @ 22%	\$20.85	2008 APPB for Standard Billing Jobs
<b>Total Hourly Labor Cost</b>	<b>\$269.20</b>	
<b>Equipment Costs</b>		
Medium-duty trucks Type 5 vehicle	\$22.61	2008 APPB for Standard Billing Jobs
Derrick Digger	\$36.94	2008 APPB for Standard Billing Jobs
<b>Total Equipment Cost</b>	<b>\$59.55</b>	
Average Wasted Trip Duration (hrs)	0.75	UAM
<b>Total Labor &amp; Equipment</b>	<b>\$246.57</b>	→ <b>Round down</b> <b>\$245.00</b>

**All fees and penalties are subject to annual revision.**

<sup>1</sup> Unless otherwise specified in occupant's joint use contract  
<sup>2</sup> PGE Engineering costs billed at \$105 per hour (*PGE's Accounting Practices And Procedures Bulletin, 2008 Rates For Billing Jobs*); work may be performed by a contracted engineering firm and billed at actual costs including administrative costs.

# PGE's Guidelines on Inspections

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## Post Installation QA

The following are PGE's guidelines relating to Post construction inspections outlined by OAR 860-028-0150, and plans of corrections. They are only guidelines and are provided for informational purposes only. They are not a modification to or meant to change in anyway the specific Agreement in place between PGE and each Licensee. These guidelines may be changed by PGE.

### **Notice[OAR 860-028-0100]**

- Permit approval is valid for 180 calendar days. Extension requests are determined on an individual basis by PGE. Denial of extension requires the Pole Occupant to re-permit
- The Licensee is responsible for providing written notice of completion within 45 calendar days of the completion of construction. Please send these notices to [Utility.Asset.management@pgn.com](mailto:Utility.Asset.management@pgn.com) with "Construction Complete" in the subject line.

PGE will inspect 100% of all new permits to ensure the construction complies with the permit, contract and OPUC safety rules. Refer to all licensee letter sent by PGE 12-26-07 regarding move from 100% pre-inspection process to 100% post installation inspections. PGE will inspect and notify licensee of compliance or noncompliance within 90 days following the licensee's notification that construction is complete.

All permits are eligible for Post Installation QA including:

- Expired permits where PGE has not received notification that construction was completed.  
PGE will conduct its inspection on or after the 225<sup>th</sup> day (180 days the permit is valid + 45 days to notify the pole owner of construction completion).
- Permits where Code Violations were identified on newly constructed, newly permitted and newly transferred attachments and PGE has provided notice of the violation and the shorter cure period for correction and notification on newly built attachments.

Post construction QA inspection fees are not included in the pole rental rate and will be charged separately. Licensees are responsible for the post inspection fees as outlined on the fee schedule.

## **Other Inspections/Special Inspections**

PGE will respond to Licensee requests for inspections. The costs of such special inspections are not included in the pole rental and are charged separately to the requesting licensee. A special inspection may include requests by the licensee for a joint field meet.

## **Preconstruction Inspection**

PGE may conduct a preconstruction inspection, at its own discretion or upon licensee request, to determine make ready work needed and prepare a cost estimate. The costs of the preconstruction inspections are not included in the rental rate and are charged separately to the licensee whose proposed attachment(s) and affected pole(s) are prompting the inspection activity. Pre-construction inspections are required if the licensee requests to attach to a PGE anchor.

## **Periodic Inspections**

Periodic inspections include PGE's safety inspection under Division 24, and the costs are included in the pole rental.

## **PGE Guidelines on Sanctions under PGE Contracts or Administrative Rules**

### ***Compliance Expectations per Division 24 And 28***

Division 24 and 28 Administrative Rules provide rights and obligations for both Pole Owners and Pole Users. The use of sanctions is designed to promote responsive behavior by pole users. Attaching users are expected to attach their facilities in compliance with the Administrative Rules, applicable Pole Attachment contract and/or applicable authorized permit. This promotes safe and efficient use of the Right of Way. Compliant attachers are entitled to the reduced rental rate contemplated by the ORS. Non-compliant attachments and/or non-responsive users may be subject to sanctions.

### ***Facility Owner Obligations***

PGE believes we have an obligation to install, operate and maintain our facilities in compliance with the applicable rules. We believe all other facility owners have the same requirements. Facility owners who do not install, operate and maintain compliance may be subject to notice of noncompliance and sanctions by the pole owner. If the violation is not resolved and notice of resolution received timely, the facility owners may again be subject to sanctions. This lack of responsiveness, if it develops into a pattern, may compromise the ability to receive the reduced rental rate.

### ***Sanctions***

Sanctions have been outlined in PGE contracts and Administrative Rules. Generally, the OARs recognize that the parties to a pole attachment contract can negotiate terms different than those stated in the rules. Certain rules, however, cannot be changed by contract, including 860-028-0115 and 0120. In administering sanctions and monitoring compliance on the PGE poles, PGE will follow the applicable contract provision or Rule, whichever is determined to govern. The following are some of the circumstances in which PGE may sanction a pole occupant: no contract with PGE, failure to correct or timely submit a plan of correction, failure to adhere to the plan of correction, unauthorized attachments, violation of other pole occupant duties set forth in 860-028-0115, attaching new construction or transfer of facilities out of compliance and not correcting within the cure period.

PGE recognizes that the occupant may mitigate the sanction amount if, for example, the occupant self discloses an unauthorized attachment and the disclosure is accompanied by a permit application for the attachment. Discovery through a joint inspection is also a mitigating factor in determining sanction amount.

### ***PGE Declaration***

PGE will continue to work with all facility owners to promote safe compliant installation of facilities by processing permits timely, conducting pre-installation inspections, and providing feedback on more efficient routing of facilities and least cost approaches. We will work to improve our make ready design and construction timelines, and verify installations are compliant through post installation inspections. PGE will also work diligently to recover cost associated with licensee attachments whether through the pole attachment rents or incremental fees associated with individual licensee costs.

## **Reduced Rental Rate Policy (2009)**

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**The following are Portland General Electric's guidelines relating to the reduced rental rate for 2009. These are only guidelines and are provided for informational purposes only. They are not a modification or meant to change in any way the specific agreement in place between PGE and each licensee. These guidelines may be changed by PGE, at its sole discretion, at any time.**

As authorized by ORS757.282 (2), a licensee shall receive a rental reduction "if the licensee is in compliance with rule adopted by the Public Utility Commission for certifying compliance with the laws regulating pole attachments."

The default position under ORS 757.282 (2) and OAR860-028-0230 is that a licensee shall receive the rental rate reduction unless the pole owner can show that the licensee has shown a pattern of non-compliance with the rules and/or contract. The burden of proving this non-compliance is placed on the pole owner. In 2007 and 2008, most PGE licensees received the reduced rental rate.

Around December 31 of each year, PGE will send notice to its licensee of whether or not they will receive the reduced rental rate for the following year. This determination will be based upon whether or not PGE can show that:

- (a) The licensee has caused serious injury to the pole owner, another pole joint-use entity, or the public resulting from non-compliance with Commission safety rules and Commission pole attachment rules or its contract or permits with the pole owner;
  - (b) The licensee does not have a written contract with the pole owner that specifies general conditions for attachments on the poles of the pole owner;
  - (c) The licensee has engaged in a pattern of failing to obtain permits issued by the pole owner for each pole on which the pole occupant has attachments;
  - (d) The licensee has engaged in a pattern of non-compliance with its contract or permits with the pole owner, Commission safety rules, or Commission pole attachment rules;
  - (e) The licensee has engaged in a pattern of failing to respond promptly to the pole owner, PUC Staff, or civil authorities in regard to emergencies, safety violations, or pole modification requests; or
  - (f) The licensee has engaged in a pattern of delays in payment of fees and charges due the pole owner, each delay greater than 45 days from the date of billing, and the charges were not disputed.
- PGE will make this determination on the licensee's conduct during the calendar year for the following year's rent.
  - PGE position is that a "pattern" is usually greater than 10%.
  - Failure to obtain permits as requested by contract issued by PGE: A "pattern" will be based on the number of poles with unauthorized attachments identified during the calendar year divided by the total number of poles permitted within that same year.
    - Example: In 2007, a licensee was found to have 7 unauthorized attachments out of a total of 54 poles permitted in 2007. ( $7/54=12.96\%$ )

- Non-compliance with contract or permits: A “pattern” will be based on number of non-compliances identified divided by the approximate pole inspected, not the licensee’s total attachments on PGE poles.
  - Example: A licensee has 1000 attachments on PGE poles. In 2007 PGE inspects township A11 and finds that the licensee has 45 code violations. Licensee has a total of 400 attachments in township A11. PGE would consider that a “pattern” of non-compliance ( $45/400 = 11.25\%$ ).
  - Mitigating Factor: If the Licensee has responded to 100% of the code violations and has either corrected the violations within sixty days or has a mutually agreed to plan of correction in place with PGE and is in compliance with the plan, PGE will favorably consider this when analyzing Reduced Rental Rate eligibility.
  
- Failure to respond to PGE: If a Licensee fails to respond to **any written or electronic** notice regarding NESC violations within the proscribed time stated in the notice it will be considered a failure to respond and will make the licensee ineligible for the rental rate reduction.
  - Example: A licensee must either (1) fix violations within 60 days and notify PGE of violation correction or (2) submit a plan of correction via a mutually agreed to methodology within 30 days and adhere to that mutually agreed upon plan. PGE will consider a licensee to be non-compliant if violations are not corrected in accordance with the mutually agreed upon plan.
  
- Delays in payment of fees and charges: A “pattern” will be based on the total number of invoices received by a licensee divided into the number of invoices paid late.
  - Example: If during 2007 a licensee was sent a total of 20 invoices and of those 20 invoices they paid 3 late. PGE would consider this a “pattern” of not paying its bills on time ( $3/20 = 15\%$ ).

PGE defines a late payment as a payment received by PGE after the due date printed on the invoice or extension date agreed to (payment is entered into our system the day it is received). A check’s date is not considered the payment date. The total numbers of invoices considered in this formula are those issued in relation to joint use. Other invoices including power related invoices are not considered as part of the total number of invoices used in this formula.

As a final note, PGE welcomes additional licensee information in response to notices that the licensee is not eligible for the reduced rental rate. If the policy works a fundamental unfairness, PGE will not rigidly apply the policy.

## Reduced Rental Rate Policy (2010)

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***The following are Portland General Electric's guidelines relating to the reduced rental rate for 2009. These are only guidelines and are provided for informational purposes only. They are not a modification or meant to change in any way the specific agreement in place between PGE and each licensee. These guidelines may be changed by PGE, at its sole discretion, at any time.***

As authorized by ORS 757.282 (2), a licensee shall receive a rental reduction "if the licensee is in compliance with rule adopted by the Public Utility Commission for certifying compliance with the laws regulating pole attachments."

The default position under ORS 757.282 (2) and OAR 860-028-0230 is that a licensee shall receive the rental rate reduction unless the pole owner can show that the licensee has shown a pattern of non-compliance with the rules and/or contract. The burden of proving this non-compliance is placed on the pole owner. In past years, most PGE licensees received the reduced rental rate.

Around December 15<sup>th</sup> of each year, PGE will send notice to the licensees of whether or not they will receive the reduced rental rate for the following year. This determination will be based upon whether or not PGE can show that:

- (a) The licensee has caused serious injury to the pole owner, another pole joint-use entity, or the public resulting from non-compliance with Commission safety rules and Commission pole attachment rules or its contract or permits with the pole owner;
  - (b) The licensee does not have a written contract with the pole owner that specifies general conditions for attachments on the poles of the pole owner;
  - (c) The licensee has engaged in a pattern of failing to obtain permits issued by the pole owner for each pole on which the pole occupant has attachments;
  - (d) The licensee has engaged in a pattern of non-compliance with its contract or permits with the pole owner, Commission safety rules, or Commission pole attachment rules;
  - (e) The licensee has engaged in a pattern of failing to respond promptly to the pole owner, PUC Staff, or civil authorities in regard to emergencies, safety violations, or pole modification requests; or
  - (f) The licensee has engaged in a pattern of delays in payment of fees and charges due the pole owner, each delay greater than 45 days from the date of billing on undisputed invoices
- PGE will make this determination on the licensee's conduct during the calendar year for the following year's rent
  - PGE's position is that a "pattern" is usually greater than 10%
  - Non-compliance with contract or permits: A "pattern" will be based on number of non-compliances identified divided by the approximate pole inspected, not the licensee's total attachments on PGE poles.
    - Example: A licensee has 1000 attachments on PGE poles. In 2007 PGE inspects township A11 and finds that the licensee has 45 code violations. Licensee has a total of 400 attachments in township A11. PGE would consider that a "pattern" of non-compliance ( $45/400 = 11.25\%$ ).

- Mitigating Factor: If the Licensee has responded to 100% of the code violations and has either corrected the violations within 180 days or has a mutually agreed to plan of correction in place with PGE and is in compliance with the plan, PGE will favorably consider this when analyzing Reduced Rental Rate eligibility.
- Non-compliance with contract or permits regarding failed poles: Failed poles may be categorized as “failed but accepted” or “failed” on the permit. A “pattern” of more than 10% will be based on the total number of failed poles divided by the total number of permitted poles.
- Failure to respond to PGE: If a Licensee fails to timely respond to **any written or electronic** notice regarding NESC violations within the prescribed time stated in the notice it will be considered a failure to respond and will make the licensee ineligible for the rental rate reduction.
  - Example: A licensee must either (1) fix violations within 180 days and notify PGE of violation correction or (2) submit a plan of correction via a mutually agreed to methodology within 60 days and adhere to that mutually agreed upon plan. PGE will consider a licensee to be non-compliant if violations are not corrected in accordance with the mutually agreed upon plan.
- Delays in payment of fees and charges: A “pattern” of more than 10% will be based on the total number of invoices received by a licensee divided into the number of invoices paid late
  - Example: If during 2007 a licensee was sent a total of 20 invoices and of those 20 invoices they paid 3 late. PGE would consider this a “pattern” of not paying its bills on time (3/20 = 15%).

OR

- Delays in payment of fees and charges: A “pattern” of more than 10% will be based on total dollar amount of all applicable, undisputed invoices.
  - Example: If during 2008 a licensee was sent 10 invoices totaling \$1000, and PGE received timely payments totaling \$800, PGE would consider this a “pattern” of not paying its bills on time (20% of total charges unpaid)

PGE defines a late payment as a payment received by PGE after the due date printed on the invoice or extension date agreed to (payment is entered into our system the day it is received). A check’s date is not considered the payment date. The total numbers of invoices considered in this formula are those issued in relation to joint use. Other invoices including power related invoices are not considered as part of the total number of invoices used in this formula.

As a final note, PGE welcomes additional licensee information in response to notices that the licensee is not eligible for the reduced rental rate. If the policy works a fundamental unfairness, PGE will not rigidly apply the policy.

# PGE POLE ATTACHMENT PERMIT

## APPLICATION INSTRUCTIONS

### FACILITIES ATTACHMENT PROCESS

- 1) **Licensee** submits completed Pole Attachment Permit Applications to PGE's Utility Asset Management (UAM) department. If pre-inspection or make ready is requested, these tasks will be completed prior to permit approval. UAM may pre-inspect for special circumstances.
- 2) UAM validates permit and conditionally approves the permit valid for 180 days.
- 3) **Licensee** attaches meeting conditions such as at indicated location, in accordance with NESC requirements and the *PGE Attachment Specifications*.
- 4) Licensee notifies UAM construction is complete within 45 days
- 5) **UAM Field Inspector** performs physical inspection to confirm that the requested Attachment complies with permit and conditions.
- 6) **UAM Field Inspector** will either...
  - a. Approve the Attachment
  - OR
  - b. Fail the attachment
- 7) UAM notifies Licensee of inspection. If failed, the licensee must
  - a. Correct a structural failure within 7 days or be liable for the cost to correct
  - b. Correct a non-structural failure within 30 days or be subject to sanctions.

#### **Permitting & Timelines:**

- The general rule is that all licensee attachments to PGE poles must be permitted prior to making the attachment.
- Upon receiving a permit application, PGE will notify the applicant within 15 days of conditional approval or noting any deficiencies. Deficient permits will be placed on hold for 15 days prior to closing the request.
- A pole occupant may install a service drop without the permit required, but the pole occupant must apply for a permit within seven days of installation; (OAR 860-028-120)(3).
- Whenever PGE installs a new set pole, PGE allows the pole occupant 90 days from the date the licensee is notified that the pole has been set and the licensee's transfer step is ready for action.
- An approved permit is valid for 180 days.
- The Pole occupant is required to notify Utility.Asset.Management@pge.com that the construction is complete within 45 days of the construction complete date. Please include the permit number and the access number of the application in your email.
- UAM will inspect installed attachment within 90 days of notice and notify licensee as to whether the attachment passes or fails.
- If the attachment is deemed a structural failure, the licensee will have 7 days to correct deficiencies or physically disconnect and submit a disconnect notice.
- If the attachment is deemed a non-structural failure, licensee will have thirty days to correct deficiencies or be subject to sanctions.

## Completing the Permit Application Form

### Required Information:

To accurately process Pole Attachment Permit Applications, PGE requires the following information:

1. Renter Code (Entered by Licensee)
2. Permit Number (Assigned by Licensee)
  - Indicate applicable permit type
  - Provide scheduled construction date or installation date if already installed
- PGE Pole Number
3. PGE Map Number (Grid#, ie D11-13B)
4. Licensee Sketch/Map# (Identify pole location)
5. Location/Address: Please include exact address (If not available, please give street and cross street or reference poles)
6. Pole Height, Class, Year Set
7. Equipment Type :  
(you may use the following abbreviations)
  - ML** = Mainline of any type. Including hybrid-fiber coax (HFC), coax, fiber, large telco conductor, etc.
  - SD** = Service Drop
  - PS** = Power Supply
  - GUY** = This will be used for overhead guys and extended messengers.
  - GUY X 2 (2nd Bolt)** = Used when a 2nd bolt was used for either a down guy or OH guy extension.
  - RISER** = Indicate desire to use PGE or Licensee standoff brackets
  - PA** = PGE anchor
8. Total Diameter: Please provide total diameter (in inches) of cable attachment or overlash bundle.
9. Max Working Tension (not ultimate or breaking strength)
10. Arm Type: Indicate "A" for Alley Arm, "X" for Crossarm, "F" for Fiberglass extension arm (note: Fiberglass extension arms,  $\leq$  30 inches in length, are not considered an additional Attachment)
11. Arm Length
12. Conduit Riser: Indicate "P" if intending to use PGE standoff brackets, indicate "L" if intending to use Licensee standoff brackets.
13. Span Lengths: Indicate spans both directions from pole.
14. Space: The amount of space the attachments will use
15. Requested Attachment Height (Note: For power supplies, the measurement is made to bottom of box, must be minimum of 15' AGL)
16. FS or SS: Indicate whether attachment is intended to be on Field Side or Street Side.

### Permitting Guidelines:

Please adhere to these guidelines when submitting Pole Attachment Permit Applications:

- A separate permit application should be submitted for each PGE quartered map section.
- Each application for a new Attachment must have a unique permit number  
Note: if a permit is submitted for a modification made to an existing Attachment (previously permitted for), the licensee is required to use their existing permit number for that Attachment.

- Multiple permit application sheets for the same permit number and quartered map section are allowed, with a maximum 10 poles per sheet (100 poles per permit)

### **Post Construction Inspection**

**Attachment Passes:** Licensee will be so notified.

**Attachment Fails:**

Licensee will be notified of any attachment that fails to meet conditional permit. Licensee will have thirty days to correct any deficiencies and communicate back to PGE correction is made. If the attachment fails because the structural analysis fails, licensee will have seven days to remove the attachment and so notify UAM with a disconnect notice, or will be fully liable for correcting the deficiency including installation of a new pole by PGE sufficient to handle the additional attachment.

**Make Ready Authorization –**

Licensee may request make ready on the permit application. UAM will pre-inspect and provide a cost estimate to the licensee via electronic notice. To authorize make ready costs, the licensee must reply to the electronic notice authorizing such work.

The licensee needs to restate the PGE cost estimate \$ amount that is being authorized by the resubmittal. PGE will not initiate the actual design process until the make ready cost has been authorized by the licensee. If authorization is not received within 15 days, the application will be considered rejected.

Licensee may request make ready following a pole failing by submitting a new permit application listing only those poles that were previously rejected. Note: Please take care that the resubmitted permit does not have any previous PGE billing data or other data that may cause confusion when received by the PGE Permit Coordinator. The licensee should use the same permit # and reference the original application (including the date of original submittal). Indicate in the \*Licensee *Notes* field that this is a “*RESUBMITTAL: POLE NUMBER -MAKE READY AUTHORIZATION.*”

### **Application prompted by PGE:**

If you have been notified by PGE to permit for Attachments on a PGE pole, please enclose a copy of the *Work for Other Utilities Notice* (WFOU in paper form) or NJUNS Pole Transfer Electronic Notification with the permit. This precludes double billing for any previous charges incurred.

### **Unauthorized Attachment Sanctions:**

If you make an Attachment prior to permitting, PGE may assess Unauthorized Attachment sanctions in accordance with your Agreement. It is important that you attach supporting documentation (such as a dated construction map or work order) to the permit application indicating when Attachments were made.

### **Maps:**

It may be advantageous to work directly from a PGE map showing our facilities and poles. Maps of GIS Standard Map Products (Existing Service) may be requested and picked up at Portland General Electric, Geospatial Information Services, 3700 SE 17<sup>th</sup> Ave, Portland, Oregon, 97202, (503) 736-5501.

Maps for New Construction may also be requested and picked up at your local PGE Service Center. See Exhibit C, the PGE Fee Schedule, for pricing. PGE will verify the number of maps that make up each section and the total cost. PGE can mail the maps to you. PGE will send the invoice directly to your office.

Maps required for resolving code violations specifically identified by PGE through the FITNES or Utility Asset Management (UAM) inspection processes, may be requested directly through the UAM Department.

### **Disconnect Notices**

If Licensee wishes to remove an Attachment, it must send Written Notice to PGE of its intent to remove the Attachment (“Disconnect Notice”). The Disconnect Notice must include the following information:

1. Renter Code (Entered by Licensee)
2. Permit Number (Assigned by Licensee)
3. PGE Pole Number
4. PGE Map Number (Grid#, i.e. D11-13B)

The Attachment will be considered active, and where applicable charged Annual Rent and other fees, until a Disconnect Notice is received by PGE.

### **Form**

PGE Permit Application Form is created in Microsoft Excel.

Please do not reformat application. Any change to the format of this permit application form will cause problems with its printing. The form has been designed to fit 11x 17 in paper sheet. The Form should be submitted electronically to: [utility.asset.management@pgn.com](mailto:utility.asset.management@pgn.com)

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- (1) Customer has the option of requesting the use of a UAM Field Inspector prior to submitting Permit Applications, to aid in route selection.
  - (2) Attachments made prior to receiving authorization from UAM shall be considered Unauthorized Attachments and subject to sanctions.

## **PGE's Guidelines on Plans of Correction**

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The following are PGE's guidelines relating to violations of other duties under OAR 860-028-0150, and plans of corrections. They are only guidelines and are provided for informational purposes only. They are not a modification to or meant to change in anyway the specific Agreement in place between PGE and each Licensee. These guidelines may be changed by PGE.

As is required by Division 24 and section 214 of the NESC, PGE conducts a detailed inspection of its facilities over a ten year cycle. PGE's FITNES is the group that conducts the inspection. The safety inspection is geared to ensuring that PGE's facilities are maintained compliant. This inspection encompasses licensee violations when they compromise PGE facilities. When licensee violations are found and the licensee is determined to be the at-fault party, UAM transmits violation notices to the licensee. In addition to the PGE safety inspection, licensee violations may also be found through pre-construction activity, post construction inspections, special inspections, audits and surveys.

### **Inspection Area [OAR 860-024-0011 (2) (b)]**

- Notification of PGE's inspection schedule must be designated at least 12 months in advance of the start of the calendar year according to Oregon Administrative Rules. PGE provides licensees a copy of PGE's inspection map and instructions on how to submit a Plan of Correction. The purpose of this notice is to give occupants opportunity to actively participate in pole inspections. In addition, pole occupants will have an opportunity to prepare for the fiscal impact of PGE's inspection program, allowing for preparation time and for the coordination of inspections, joint fixes and joint inspections as opportunities allow, or by correcting violations ahead of PGE's FITNES department.

### **Data Accuracy [OAR 860-028-115 (6)]**

- PGE is responsible for ensuring the data accuracy of violations prior to transmitting them to the occupant. PGE double checks the data first. FITNES performs a QC of all the violations identified. In addition, PGE's QC department performs a QC of violations. PGE recognizes some attachments may be grandfathered as they were installed to previous Code editions and will record that information when reported by the user. Grandfathered attachments could be cited as violations (not in compliance with current code) since inspections are done to the current code. PGE does not know of all the grandfathered attachments or if the licensee had major work activity. When doing major work activity, the licensee is required to bring the attachment to current code.

## **Plan of Correction**

Once a Licensee receives notice of a violation from PGE, it must correct the violation within 180 days or submit a Plan of Correction within 60 days.

- If a Licensee expects to take longer than one hundred eighty (180) days to correct the NESC violations or permit for the Unauthorized Attachments, before the 60<sup>th</sup> day after notice is received, a Licensee must submit a Plan of Correction to avoid sanctions.
- Plans of Correction shall take into account prioritization of repairs (OAR 860-024-0012). Category A violations pose an imminent danger to life or property and require immediate fixes; Category B violations must be fixed within two years of discovery; Category C violations must have the agreement of all operators affected by the deferral on the pole, there should be little or no foreseeable risk of danger from the deferral, and the deferral can be no longer than ten years from discovery. Please refer to the work of the OJUA prioritization of repair subcommittee for guidance on identifying priority C violations.
- A pole occupant must correct a violation promptly and in less than 180 days if PGE notices the occupant that correction within that time is necessary alleviate a significant safety risk to any operator's employees or potential risk to the public.
- A Plan of Correction shall be submitted in Pole Manager and contain the following:
  - (a) Any disagreement, as well as the facts on which it is based, that the pole occupant has with respect to the violations alleged by the pole owner in the notice (on a pole by pole / attachment by attachment basis);
  - (b) The Licensee's suggested compliance date, as well as reasons to support the date and milestones as appropriate, for each non-compliant pole that the pole Licensee agrees is not in compliance with OAR 860-028-0120.
  - (c) If a pole occupant suggests a compliance date of more than 2 years following receipt of notice, then the pole occupant must show good cause and get approval from all operators on the pole.
- Upon its receipt of a Plan of Correction submitted in accordance with OAR 860-028-0120 and 0170, PGE shall give notice of its acceptance or rejection of the plan.
  - (a) If PGE accepts all or part of the plan, the acceptance is communicated to the licensee.
  - (b) If PGE rejects the plan, then it shall set out all of its reasons for rejection and, for each reason, shall state an alternative that is acceptable;
  - (c) Until PGE accepts or rejects a Plan of Correction, the pole occupant's time for compliance with OAR 860-028-0120 is tolled; however, the Licensee shall continue correcting non-compliances;

- (d) If a Plan of Correction is divisible and if PGE accepts part of it, then the pole occupant shall carry out that part of the plan;
- (e) PGE will gauge the reasonableness of the plan based on the circumstances, including the category of violation(s), the licensee's own inspection and correction program and how the noticed violation fits into the program for correction, and the number of violations are noticed to the licensee at any one time.
- (e) Failure to meet the Plan of Correction could result in sanctions.

### **Communication (Pole Manager)**

- It is the Licensee's responsibility to notify PGE promptly when the non-compliance has been corrected. PGE has implemented the Pole Manager, an electronic notification and violations management system, to handle the communication between PGE and pole occupants regarding NESC violation corrections. Please contact Julian Khouri for more information:

Email: [Julian.khouri@pgn.com](mailto:Julian.khouri@pgn.com)  
 Tele: (503)672-5535

- The following violation statuses are available for the pole occupant to inform PGE of any activity on a violation:
  - (a) *IN PROGRESS* – Violation is in progress of being fixed or fielded. This status requires a “Projected Fix Date”.
  - (b) *IN DISPUTE* – The Pole Occupant disputes the validity of the violation for any of the following reasons:
    - *DUPLICATE* – Pole Owner has already notified licensee of this violation.
    - *INCORRECT POLE OWNER* – Pole Occupant believes the pole is owned by another party. This is especially relevant in instances of unauthorized attachments where the pole is in Ownership Dispute.
    - *NOT MINE* – Attachment in question is owned by another party. If PGE finds that that violation does belong to the licensee during an inspection following the claim of not mine, the licensee will be billed for inspection time.
    - *NOT A VIOLATION* – Pole Occupant believes the violation was called incorrectly. If PGE finds that that violation does exist during an inspection following the claim of not a violation, the licensee will be billed for inspection time. If no violation is found, the licensee is not billed for the inspection.
    - *NOT ATTACHED* – The said pole occupant is not attached.
  - (c) *NEED HELP* – The Pole Occupant cannot fix the violation on its own and needs assistance in one of the following ways:
    - *FROM OTHER LICENSEE* – Pole Occupant needs assistance from another Licensee and will generate a PT ticket to gain Pole Owner approval on the Communication Reconfigure.

They also should provide new heights on the reconfigured attachments to modify the permit.

- CANNOT LOCATE – Pole Occupant is unable to locate the pole and needs more information (map, or address)
- REQUEST JOINT INSPECTION – Pole Occupant needs help identifying the violation or would like help in determining best course of action. PGE inspection time for joint meet will be billed to licensee.
- MAKE READY – Pole needs PGE Make Ready work. PGE's cost of estimating make ready required is included in the cost borne by the licensee.
- NO ACCESS – Should only be used in cases where access to the pole is blocked due to vegetation issues.

(d) FIXED – The Pole Occupant has completed the work and the violation is cleared. If PGE finds violation not fixed upon inspection, the licensee will be notified and billed for the inspection.

- All correspondences regarding NESC corrections should be sent to:

Portland General Electric  
Attn: NESC Violations/Corrections  
2213 SW 153<sup>rd</sup> Drive  
Beaverton, OR 97006

Tele: (503) 672-5589