

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

FRONTIER COMMUNICATIONS
NORTHWEST INC.,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent

DOCKET UE-151344

DECLARATION OF GREGORY
BRUBAKER IN SUPPORT OF FRONTIER
COMMUNICATIONS NORTHWEST
INC.'S MOTION FOR SUMMARY
DETERMINATION

I, Gregory Brubaker, state as follows:

1. As of July 1, 2015, I am a Counsel for Frontier Communications Northwest Inc. (Frontier). Prior to that date, I was a Senior Manager-Network Engineering for Frontier. I have personal knowledge of the statements set forth in this declaration. I make this declaration in support of Frontier's Motion for Summary Determination.
2. Attached hereto as Exhibit A is a true and correct copy of the August 1, 2002 Pole Attachment Agreement between Puget Sound Energy, Inc. and Verizon Northwest Inc. The first page of this exhibit is a true and correct copy of the November 11, 2004 Amendment No. 1 to the Pole Attachment Agreement.
3. Frontier jointly owns – and owned jointly throughout the duration of the Pole Attachment Agreement – approximately 70,000 poles with Snohomish County Public Utility District No. 1 (Snohomish PUD). For each of these jointly owned poles, Frontier owns 45 percent of each pole and Snohomish PUD owns the remaining 55 percent.
4. Frontier pays 100 percent of the costs associated with its wholly owned poles, but splits the costs associated with its jointly owned poles based on the percentage of the poles that

DECLARATION OF GREGORY BRUBAKER

Frontier owns. Because Frontier owns 45 percent of the poles that it jointly owns with Snohomish PUD, it pays only 45 percent of the costs associated with those poles.

5. In 2013, Frontier discovered that it had inadvertently failed to account for its fractional pole ownership when tallying its total number of distribution poles for the pole attachment rate calculation in the Pole Attachment Agreement since 2003. Because of this oversight, Frontier had under-billed PSE \$624,472.39 since 2003.
6. In 2013 and 2014, Frontier and PSE discussed this billing issue. Frontier requested that PSE pay the amounts that Frontier had under-billed PSE by not accounting for Frontier's fractional pole ownership in the pole attachment rate calculation. PSE refused. Therefore, in 2014, Frontier offset approximately half of the total amount PSE had been under-billed (\$333,136.78) from subsequent payments that were due to PSE under the Pole Attachment Agreement. To comply with Washington's six-year statute of limitations for breach of contract claims, Frontier did not offset the amounts under-billed prior to 2008.
7. Attached hereto as Exhibit B is a true and correct copy of a spreadsheet detailing the amounts that Frontier billed PSE for each year between 2003 to 2012, compared with the amount Frontier under-billed PSE by not accounting for fractional pole ownership.
8. To calculate its attachment rates for 2013 and 2014, Frontier accounted for its fractional pole ownership and billed PSE accordingly.
9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.


DATED this 7th day of August, 2015.

By 

**Docket UE-151344
CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the attached **Declaration of Gregory Brubaker In Support of Motion for Summary Determination** upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Portland, Oregon this 7th day of August, 2015.


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