

April 24, 2020

**Via Electronic Filing**

Rosemary Chiavetta, Esquire  
Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. C-2019-3015187  
MAW Communications, Inc. v. PPL Electric Utilities Corporation  
Unopposed Motion for an Order Granting an Extension of Time**

Dear Secretary Chiavetta:

Attached for filing, is the Unopposed Motion of MAW Communications Inc., for an Order Granting an Extension of Time, in the above-captioned proceeding.

A copy of the attached Motion has been forwarded to the parties in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP

*Margaret A. Morris*  
Margaret A. Morris

MAM/co  
Enclosure

cc: Service List [w/encl.]

**Re: Docket No. C-2019-3015187  
MAW Communications, Inc. v. PPL Electric Utilities Corporation  
Unopposed Motion for an Order Granting an Extension of Time**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**Via Electronic Mail**

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*Attorneys for Respondent, PPL Electric  
Utilities Corporation, formerly known as  
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*Attorneys for Respondent, PPL Electric  
Utilities Corporation, formerly known as  
Pennsylvania Power & Light Co.*

Dated: April 24, 2020

*Margaret A. Morris*  
Margaret A. Morris, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

MAW COMMUNICATIONS, INC.,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3015187
	:	
PPL ELECTRIC UTILITIES	:	
CORPORATION, FORMERLY KNOWN	:	
AS PENNSYLVANIA POWER & LIGHT	:	
CO.,	:	
	:	
Respondent.	:	
	:	

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that if you do not file a written response to the enclosed Motion For An Order Granting An Extension Of Time (Motion) of MAW Communications, Inc., within **five (5) days** from service of this Notice, the facts set forth by MAW Communications, Inc., in the Motion may be granted. All pleadings, such as an answer or objection to the Motion, must be efiled with the Secretary of the Pennsylvania Public Utility Commission, with an electronic copy served to counsel for MAW Communications, Inc, Margaret A. Morris, Esq., and the Honorable Joel Cheskis.

**Efile with:**

Secretary Rosemary Chiavetta, Esquire  
[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov)

**With Electronic Mail to:**

Margaret A. Morris, Esquire  
[Mmorris@regerlaw.com](mailto:Mmorris@regerlaw.com)

The Honorable Joel Cheskis  
[jcheskis@pa.gov](mailto:jcheskis@pa.gov)

Date: April 24, 2020

*Margaret A. Morris*  
Margaret A. Morris, Esquire

*Counsel for MAW Communications, Inc.*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

MAW COMMUNICATIONS, INC.,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3015187
	:	
PPL ELECTRIC UTILITIES	:	
CORPORATION, FORMERLY KNOWN	:	
AS PENNSYLVANIA POWER & LIGHT	:	
CO.,	:	
	:	
Respondent.	:	
	:	

**UNOPPOSED MOTION FOR AN ORDER GRANTING AN EXTENSION OF TIME**

AND NOW, comes MAW Communications, Inc. (“MAW”), by and through its counsel, Reger, Rizzo & Darnall, LLP, pursuant to the Pennsylvania Public Utility Commission’s (“the Commission”) Emergency Order entered on March 20, 2020, (“*Order*”) and requests that the Commission issue an order granting a thirty (30) day extension of time to extend all applicable deadlines in the instant pole attachment dispute. PPL Electric Utilities (“PPL”) stated in an email, dated April 22, 2020, that it will not oppose MAW’s requested extension.

In support of the foregoing, MAW states as follows:

**RELEVANT PROCEDURAL BACKGROUND**

1. On December 18, 2019, MAW filed its 2-Count Formal Complaint (“Complaint”).
2. Count I of the Complaint sets forth the legal basis for MAW’s contention that PPL has consistently denied MAW access to its Fiber Optic Network on its poles in the City of

Lancaster, including dismantling portions of the network and refusing to allow MAW access to repair routine service outages to its own facilities. See Pa.C.S. § 1501.

3. Count II of MAW’s Formal Complaint sets forth the legal basis for MAW’s contention that PPL continues to subject MAW to unjust and unreasonable rates, terms, and conditions of attachment on PPL poles in the City of Lancaster. See Pa.C.S. § 1304 and Pa.C.S. § 508.

4. On January 23, 2020, PPL filed its Answer, denying MAW’s allegations.

5. On February 12, 2020, MAW filed its Reply to PPL’s New Matter.

6. On March 18, 2020, the Commission certified to the Federal Communications Commission (“the FCC”) that pursuant to 47 U.S.C. § 224(c) and to the extent authorized by the Public Utility Code, 66 Pa.C.S. § 101 *et seq.*, the Commission has assumed primary jurisdiction over pole attachment disputes in the Commonwealth of Pennsylvania.

### **THE COMMISSION’S EMERGENCY ORDER**

7. In the days that followed the Commission’s assertion of jurisdiction over pole attachment disputes, the Commission entered its *Order* acknowledging Governor Tom Wolf’s Proclamation of a Disaster Emergency in the Commonwealth of Pennsylvania due to the Covid-19 pandemic. Pursuant to the *Order*, deadlines in matters currently pending before the Commission may be extended. See, *Order* at pp. 2, 4.

### **RELEVANT TIMELINE**

8. Pursuant to the FCC regulations governing pole attachment complaint procedures, final action on a complaint where a telecommunications service claims that it has been denied

access by a utility should be expected no later than 180 days from the date the Complaint is filed. See 47 CFR 1.1414(a).

9. For all other pole attachment complaints, including complaints regarding the reasonableness of the rates, terms and conditions concerning pole attachments, final action should be expected no later than 270 days from the date the Complaint is filed. See 47 CFR 1.1414(b) and 47 CFR 1.740(a).

10. The parties agree that the date the Commission asserted primary jurisdiction over pole attachment disputes, March 18, 2020, should govern the timeframe for resolution of the instant pole attachment dispute.

11. Applying the FCC's 180 day shot clock to Count I of the Complaint for denial of access, the shot clock begins on March 18, 2020 and ends on September 14, 2020.

12. Applying the FCC's 270 day shot clock to Count II of the Complaint for unjust and unreasonable rates, terms, and conditions of attachment, the shot clock begins on March 18, 2020 and ends on December 13, 2020.

13. Given the complex technical, legal and policy issues raised in MAW's Complaint and MAW's inability to meet with its counsel to prepare its prefiled testimony, MAW respectfully requests an extension of thirty (30) days to the above-referenced applicable timeframe due to the emergent circumstances of the Covid-19 pandemic.

14. Recalculating the deadlines pursuant to MAW's request would change the timeframe as follows:

a. Applying the FCC's 180 day shot clock and an additional 30 days (or 210 days) to Count I of MAW's Formal Complaint, the shot clock begins on March 18, 2020 and ends on October 14, 2020.

b. Applying the FCC's 270 day shot clock and an additional 30 days (or 300 days) to Count II of MAW's Formal Complaint, the shot clock begins on March 18, 2020 and ends on January 12, 2021.

WHEREFORE, MAW Communications, Inc. respectfully requests that the Honorable Joel Cheskis grants its Motion and issue an order granting a thirty (30) day extension of time of the relevant timeframe applicable to the Formal Complaint.

Respectfully submitted,

Dated: April 24, 2020

*Margaret A. Morris*  
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*Attorneys for MAW Communications, Inc.*