

July 13, 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
MAW Statement of Support of Joint Petition for Settlement**

Dear Secretary Chiavetta:

Attached for filing is the Statement of MAW Communications Inc. (MAW) in support of the Joint Petition for Settlement in the above-captioned proceeding.

A copy of the attached Statement has been forwarded to Respondent, PPL Electric Utilities, Corporation, 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

MAM/co
Enclosure

cc: The Honorable Joel Cheskis, PA Public Utility Commission [w/encls]
Service List [w/encl.]

**Re: Docket No. C-2019-3015187
MAW Communications, Inc. v. PPL Electric Utilities Corporation
MAW Statement of Support of Joint Petition for Settlement**

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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Utilities Corporation, formerly known as
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Utilities Corporation, formerly known as
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Dated: July 13, 2020



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.	:	

**STATEMENT OF MAW COMMUNICATIONS, INC IN SUPPORT
OF JOINT PETITION TO APPROVE SETTLEMENT OF FORMAL COMPLAINT**

MAW Communications, Inc. (Complainant or MAW) by and through its counsel, Reger, Rizzo & Darnall, LLP, hereby states the Joint Petition to Approve Settlement of Formal Complaint filed against PPL Electric Utilities Corporation (Respondent or PPL Electric) with the Pennsylvania Public Utility Commission (Commission) is reasonable and approval of the Settlement Agreement is in the public interest. In further support of the Joint Petition to Approve Settlement of Formal Complaint, the Complainant avers as follows:

BACKGROUND

1. The disputes between MAW and PPL Electric date back to 2017 when PPL Electric discovered that MAW had been constructing fiber optic network(s) throughout the City of Lancaster without adhering to the parties existing Pole Attachment Agreement or process. In addition to MAW's Formal Complaint before the Commission, there has been long standing litigation between the parties in the Court of Common Pleas of Lehigh County at

No. 2017-C-3755 along with, a proceeding before the Federal Communications Commission (FCC) at Proceeding No. 19-29 and Bureau ID No. EB-19-MD-001. The Settlement Agreement between MAW and PPL Electric is intended to settle and resolve all outstanding issues between them.

2. The Commission has a policy favoring settlements. See. 52 Pa. Code §5.231(a). Throughout the pre-hearing process there was encouragement and offers of assistance by Chief Deputy Administrative Law Judge Joel H. Cheskis and Mediator Matthew Homsher to pursue settlement. Moreover, the parties had previously been engaged in long term discussions to resolve their disputes.

3. Both PPL Electric and MAW, with the assistance of their own legal counsel and trusted advisors, has concluded that settlement is a fair and reasonable resolution of the issues between them and the Settlement Agreement does not interfere or negatively impact the public interests, or the interests or role of the Commission.

4. The Settlement Agreement acknowledges that among other things, MAW will make certain installment payments to PPL Electric for the agreed amounts. In return, MAW has the continued opportunity for non-discriminatory access pursuant to the Pole Attachment License Agreement between MAW and PPL Electric to attach to PPL Electric poles recognizing that MAW must abide by PPL Electric's specifications, controlling safety codes and standards as well as the process for applications including, payment of potential survey/make ready engineering and make ready construction expenses. Such opportunities will afford MAW the opportunity to remediate and address past attachment issues, including concerns over adherence to applicable safety standards and PPL Electric specifications, as well as to offer additional telecommunication and broadband services within the City of Lancaster.

5. The Joint Petition is in the public interest for the following reasons:

- a. In addition to protecting PPL Electric's interests in safe, reliable electric service for its customers, it is also affording MAW the opportunity to provide both municipal and commercial broadband service in the City of Lancaster in a non-discriminatory and compliant manner;
- b. The legal expenses incurred by PPL Electric and MAW as a result of this settlement are mitigated and will be less than they would have been had the multiple matters been fully litigated;
- c. The uncertainties regarding potential appeals, continued litigation and other additional expenses are avoided;
- d. The Joint Petition and Settlement Agreement represents a compromise between MAW and PPL Electric that both sides accept and approve.

6. MAW submits that all issues have been satisfactorily resolved through negotiations and are incorporated into the Settlement Agreement.

7. MAW submits that the settlement is in the public interest and furthers the Commission's policies promoting negotiated settlements. See 52 Pa. Code §69.391. Therefore, approval and adoption of the Settlement Agreement is consistent with Commission policy.

8. If the initial decision issued by the Honorable Joel H. Cheskis recommends that the Commission adopt the Settlement Agreement, MAW agrees to waive filing of exceptions. However, MAW does not waive its right to file exceptions with respect to any modification to the terms and conditions of the settlement or any additional matters that may be proposed by Chief Deputy Administrative Law Judge Cheskis in his initial decision. MAW also reserves the right to file a reply to any exceptions that may be filed by PPL Electric.

WHEREFORE, MAW Communications, Inc. respectfully requests the Honorable Joel H. Cheskis and the Commission grant the Joint Petition to Approve Settlement of Formal Complaint, without modification.

Respectfully submitted,



July 13, 2020

Margaret A. Morris, Esquire
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*Attorney for Complainant,
MAW Communications, Inc.*