

September 23, 2020

VIA ELECTRONIC FILING

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

Re: NetSpeed LLC v. Duquesne Light Company – Pole Attachment Complaint
Docket No. C-2020-3020212

Dear Secretary Chiavetta:

On behalf of Duquesne Light Company (“DLC”), this responds to the Secretarial Letter dated September 16, 2020, and the Recommended Decision of ALJ Haas in the above-referenced matter.¹ The Recommended Decision recommends, in relevant part, the following conclusion of law:²

The Commission has jurisdiction over the subject matter of and parties to this proceeding. 66 Pa.C.S. § 701.

It is DLC’s understanding that this reflects boilerplate language, and is not intended to constitute a substantive disposition of the jurisdictional claims raised in DLC’s New Matter.³ While DLC does not intend to file Exceptions with respect to the Recommended Decision, DLC does not waive, and hereby expressly reserves its rights to assert such jurisdictional claims in the future.⁴ Importantly, because NetSpeed’s Complaint is being withdrawn, the Commission need not adjudicate here the questions of whether NetSpeed is entitled to obtain pole attachments pursuant to 47 U.S.C. § 224, and as such, whether NetSpeed’s Complaint was properly within the Commission’s pole attachment complaint jurisdiction.⁵

¹ Letter from Rosemary Chiavetta, Secretary, PA Public Utility Commission to Parties (Sept. 16, 2020) (transmitting Recommended Decision in Docket No. C-2020-3020212.).

² Recommended Decision at ¶ 1.

³ See Duquesne Light Company’s Answer with New Matter to NetSpeed LLC’s Pole Attachment Complaint (Jul. 1, 2020) at ¶¶ 144-152.

⁴ *Id.*

⁵ *Id.*

Please do not hesitate to contact me at (412) 566-1912 if you have any questions.

Respectfully submitted,

/s/ Brett Heather Freedson

Brett Heather Freedson
Counsel to Duquesne Light Company

cc: Steven K. Haas, Administrative Law Judge
Certificate of Service
Office of Special Assistants (ra-OSA@pa.gov)

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of Duquesne Light Company's Letter upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via E-Mail and First Class Mail

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Hon. Steven K. Haas
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/s/ Brett Heather Freedson

Brett Heather Freedson, Esquire
Attorney for Duquesne Light Company

Date: September 23, 2020