

**Before the
Federal Communications Commission
Washington, DC 20554**

VERIZON PENNSYLVANIA LLC and
VERIZON NORTH LLC,

Complainants,

v.

METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC
COMPANY, and PENN POWER
COMPANY,

Defendants.

Proceeding No. 19-354

Bureau ID No. EB-19-MD-008

**VERIZON'S RESPONSES TO FIRSTENERGY'S
FIRST SET OF INTERROGATORIES**

Complainants Verizon Pennsylvania LLC and Verizon North LLC ("Verizon") respectfully submit the following responses to the First Set of Interrogatories filed by Defendants Metropolitan Edison Company, Pennsylvania Electric Company, and Penn Power Company (collectively, "FirstEnergy").

GENERAL OBJECTIONS

In addition to the specific objections enumerated below, Verizon objects to FirstEnergy's Interrogatories as follows:

1. Verizon objects to FirstEnergy's definitions of "you," "your," "Complainant," and "Verizon" because they are overbroad, unduly expansive and burdensome, and seek to impose obligations to provide information that has no relevance to the material facts in dispute in this proceeding. FirstEnergy's definitions of "you," "your," "Complainant," and "Verizon" are not limited to Verizon Pennsylvania LLC and Verizon North LLC, but broadly include "any persons associated with" them, where "person" is further defined to include any affiliated "corporation,

PUBLIC VERSION

firm, company, partnership, joint venture, association, unincorporated association, ... and/or all other legal entities,” even though none of those affiliated entities are party to this dispute.

Verizon will not provide non-confidential and non-privileged information beyond that involving Verizon’s joint use relationship with FirstEnergy.

2. Verizon objects to the Interrogatories to the extent that they are vague, ambiguous, overbroad, unduly burdensome, oppressive, unreasonably cumulative, or duplicative. In particular, all of the Interrogatories use the term “Identify” without defining what that term means, rendering all of the Interrogatories unintelligible.

3. Verizon objects to the Interrogatories because FirstEnergy has not provided an explanation as to “why the information sought in each interrogatory is both necessary to the resolution of the dispute,” 47 C.F.R. § 1.730(b), but has simply stated in conclusory fashion that the “information requested ... pertains to FirstEnergy’s Answer to Verizon’s complaint.”

4. Verizon objects to the Interrogatories to the extent that they are “employed for the purpose of delay, harassment, or obtaining information that is beyond the scope of permissible inquiry related to the material facts in dispute in the proceeding.” *Id.* § 1.730(a).

5. Verizon objects to the Interrogatories to the extent that they seek information that is not within Verizon’s possession, custody, or control or information that is not within Verizon’s present knowledge.

6. Verizon objects to the Interrogatories to the extent that they call for information that is already within FirstEnergy’s possession, custody, or control.

7. Verizon objects to the Interrogatories to the extent that they seek discovery of legal conclusions, contentions, or information that is publicly available.

PUBLIC VERSION

8. Verizon objects to the Interrogatories to the extent that the burden or expense of answering the Interrogatory would outweigh any benefit of the answer.

9. Verizon objects to the Interrogatories to the extent that they seek information that is protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Nothing contained in Verizon's objections is intended to, or in any way shall be deemed, a waiver of such available privilege or doctrine. Verizon will not provide privileged or otherwise protected information.

10. Verizon objects to the Interrogatories to the extent that they seek disclosure of confidential or proprietary information prior to the parties' execution of a mutually agreeable confidentiality agreement that governs FirstEnergy's use of Verizon's confidential information.

11. Verizon objects to the Interrogatories to the extent that they seek to impose requirements or obligations on Verizon in addition to or different from those imposed by the Commission's rules. Among other things, FirstEnergy's demand to "produce an index identifying any document(s) or response(s) withheld under a claim of privilege" finds no support in the Commission's rules. In responding to the Interrogatories, Verizon will respond as required under the Commission's rules.

12. Verizon reserves the right to change or modify any objection should it become aware of additional facts or circumstances following the service of these objections.

13. The foregoing general objections are hereby incorporated into each specific objection listed below, and each specific objection is made subject to and without waiver of the foregoing general objections.

SPECIFIC OBJECTIONS TO INTERROGATORIES

Interrogatory No. 1:

Identify the joint use rates paid in 2018 pursuant to Verizon's joint use agreements with other electric utilities.

Objections:

Verizon objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the "just and reasonable" rate that is required by 47 U.S.C. § 224(b) and the Commission's Orders and regulations for Verizon's use of FirstEnergy's poles during the rental years at issue in Verizon's Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 2:

Identify which FirstEnergy poles have Verizon attachments that have been overlashed.

Objections:

Verizon objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the "just and reasonable" rate that is required by 47 U.S.C. § 224(b) and the Commission's Orders and regulations for Verizon's use of FirstEnergy's poles during the rental years at issue in Verizon's Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 3:

Identify the number of customers Verizon serves using Verizon's overlapping of its attachments to FirstEnergy poles.

Objections:

Verizon objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the "just and reasonable" rate that is required by 47 U.S.C. § 224(b) and the Commission's Orders and regulations for Verizon's use of FirstEnergy's poles during the rental years at issue in Verizon's Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 4:

For the FirstEnergy poles to which Verizon has attached fiber optic facilities, identify every FirstEnergy pole with Verizon fiber capacity to which Verizon has granted leasing or other rights to another entity.

Objections:

Verizon objects to this Interrogatory because the phrases "fiber capacity" and "leasing or other rights" are vague and ambiguous. Verizon also objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the "just and reasonable" rate that is required by 47 U.S.C. § 224(b) and the Commission's Orders and regulations for Verizon's use of FirstEnergy's poles during the rental years at issue in Verizon's Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute

and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 5:

Identify Verizon's cost per mile to overlash its attachments to FirstEnergy's poles.

Objections:

Verizon objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the "just and reasonable" rate that is required by 47 U.S.C. § 224(b) and the Commission's Orders and regulations for Verizon's use of FirstEnergy's poles during the rental years at issue in Verizon's Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 6:

Identify Verizon's cost per mile to lease fiber optic capacity on Verizon attachments to FirstEnergy's poles.

Objections:

Verizon objects to this Interrogatory because the phrase "fiber optic capacity" is vague and ambiguous. Verizon also objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the "just and reasonable" rate that is required by 47 U.S.C. § 224(b) and the Commission's Orders and regulations for Verizon's use of FirstEnergy's poles during the rental years at issue in Verizon's Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks

information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 7:

Identify each pole referred to by Steve Mills in his affidavit at paragraphs 60 and 61 (VZ00026-VZ00028).

Objections:

Verizon objects to this Interrogatory because the information is already within FirstEnergy's possession, custody, or control or is available from SPANS, which is an electronic notification program that FirstEnergy uses, as Mr. Mills stated in paragraph 57 of his Affidavit (VZ00025).

Response:

Subject to and without waiver of these objections and the foregoing general objections, Verizon states that the poles referred to in paragraph 60 of Mr. Mills's Affidavit are identified in Exhibit A hereto, and the poles referred to in paragraph 61 of Mr. Mills's Affidavit are identified in Exhibit B hereto.

Interrogatory No. 8:

Identify every FirstEnergy pole to which Verizon has copper facilities attached, the service over which Verizon has announced publicly or to its customers it has abandoned or will abandon.

Objections:

Verizon objects to this Interrogatory because it is vague, ambiguous, and unintelligible. Verizon also objects to this Interrogatory because it seeks information that is not relevant to, or

likely to lead to the discovery of admissible evidence regarding, the “just and reasonable” rate that is required by 47 U.S.C. § 224(b) and the Commission’s Orders and regulations for Verizon’s use of FirstEnergy’s poles during the rental years at issue in Verizon’s Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 9:

Identify the gross intrastate operating revenues and the de facto gross intrastate operating revenues as reported on latest Section 510 Assessment Filing(s) submitted on behalf of Verizon to the Pennsylvania Public Utility Commission as required by Section 510 of the Pennsylvania Code, 66 Pa.C.S. § 510, Computation of Section 510 Assessments for Jurisdictionally-Mixed Telecommunications Services-Statement Policy. If Verizon did not make that submission, then provide such gross revenues for Verizon that are inputs to such latest Section 510 Assessment Filing(s).

Objections:

Verizon objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the “just and reasonable” rate that is required by 47 U.S.C. § 224(b) and the Commission’s Orders and regulations for Verizon’s use of FirstEnergy’s poles during the rental years at issue in Verizon’s Pole Attachment Complaint. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

Interrogatory No. 10:

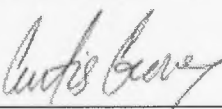
Identify the collective revenue generated by Verizon's services (i.e., interstate (including international services) and intrastate telecommunications services, interconnected VoIP services, and fixed broadband services), which revenue was inputted to the 2018 FCC Forms 499-A that Verizon submitted. If Verizon did not make that submission, then provide such collective revenue generated by Verizon that are inputs to the 2018 FCC Forms 499-A that any Verizon affiliate submitted.

Objections:

Verizon objects to this Interrogatory because it seeks information that is not relevant to, or likely to lead to the discovery of admissible evidence regarding, the "just and reasonable" rate that is required by 47 U.S.C. § 224(b) and the Commission's Orders and regulations for Verizon's use of FirstEnergy's poles during the rental years at issue in Verizon's Pole Attachment Complaint. Verizon further objects to this Interrogatory to the extent it is overbroad by seeking information about Verizon affiliates that are not party to this case. Verizon further objects to this Interrogatory because it seeks information that is unnecessary to the resolution of this dispute and that is beyond the scope of permissible inquiry related to the material facts in dispute in this proceeding.

PUBLIC VERSION

Respectfully submitted,

By: _____

Curtis L. Groves
Verizon
1300 I Street NW
Suite 500 East
Washington, DC 20005
(202) 515-2179
curtis.groves@verizon.com

Christopher S. Huther
Claire J. Evans
Frank Scaduto
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
(202) 719-7000
chuther@wiley.law
cevans@wiley.law
fscaduto@wiley.law

*Attorneys for Verizon Pennsylvania LLC
and Verizon North LLC*

Dated: March 11, 2020

AFFIRMATION

I, Stephen C. Mills, hereby affirm that the foregoing responses to FirstEnergy's First Set of Interrogatories are true and correct to the best of my knowledge as a Consultant – Contract Management in the Wireline Network Operations Division of Verizon Services Corporation.



Stephen C. Mills

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2020, I caused a copy of the foregoing Verizon's Responses to FirstEnergy's First Set of Interrogatories to be served on the following (service method indicated):

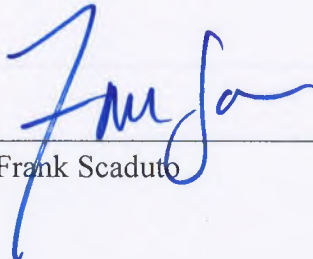
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554
(public version by ECFS, confidential version by hand)

Rosemary McEnery
Anthony J. DeLaurentis
Federal Communications Commission
Enforcement Bureau
Market Disputes Resolution Division
445 12th Street, SW
Washington, DC 20554
(public and confidential versions by email)

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
(public version by overnight delivery)

Thomas B. Magee
Timothy A. Doughty
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001
(public and confidential versions by email)

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Secretary's Bureau, 2nd Fl, Room-N201
400 North Street
Harrisburg, PA 17120
(public version by overnight delivery)



Frank Scaduto

Exhibit A

Exhibit B

