

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
445 12th St., SW
Washington, DC 20554

December 9, 2019

Copies sent by E-mail and U.S. Mail

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Counsel for Defendants

Re: *Verizon Pennsylvania LLC and Verizon North LLC v. Metropolitan Edison Company, Pennsylvania Electric Company, and Penn Power Company, Proceeding No. 19-354, Bureau ID No. EB-19-MD-008*

Verizon Maryland LLC v. The Potomac Edison Company, Proceeding No. 19-355, Bureau ID No. EB-19-MD-009

Dear Counsel:

We grant, to the extent indicated below, the Unopposed Motion of Defendants Metropolitan Edison Company, Pennsylvania Electric Company, Penn Power Company, and The Potomac Edison Company (collectively, First Energy)¹ requesting an extension of the deadlines established in the Notices of Formal

¹ Metropolitan Edison Company, Pennsylvania Electric Company, Penn Power Company, and The Potomac Edison Company's Unopposed Motion for Adjustment of Deadlines, Proceeding Numbers 19-354 and 19-355; Bureau ID Numbers EB-19-MD-008 and EB-19-MD-009 (filed Dec. 4, 2019) (Motion).

Complaints² for the above-referenced proceedings. First Energy offers several justifications in support of the Motion, including the size, complexity, and novelty of Verizon's complaints.³ First Energy also states that Verizon does not oppose the Motion.⁴

As requested by First Energy, the revised schedules in these cases are now as follows:

Proceeding No. 19-354

1. By January 20, 2020, FirstEnergy must file and serve its response to Verizon's First Set of Interrogatories.
2. By February 3, 2020, First Energy must file and serve its answer to the complaint.
3. By March 3, 2020, Verizon must file and serve its reply to the answer.
4. By March 11, 2020, Verizon must file and serve its response to First Energy's First Set of Interrogatories, if any.
5. By March 18, 2020, the parties must file their joint statements.

Proceeding No. 19-355

1. By January 22, 2020, Potomac Edison must file and serve its response to Verizon's First Set of Interrogatories.
2. By February 5, 2020, Potomac Edison must file and serve its answer to the complaint.
3. By March 5, 2020, Verizon must file and serve its reply to the answer.
4. By March 13, 2020, Verizon must file and serve its response to Potomac Edison's First Set of Interrogatories.
5. By March 20, 2020, the parties must file their joint statements.

We will advise the parties later whether there will be an initial status conference.⁵ In any event, the parties should expect discovery and briefing to conclude by April 17, 2020.

Finally, granting First Energy's requested extension means that the last filing dates in these proceedings are 62 days for Proceeding 19-354 and 60 days for Proceeding 19-355 beyond the dates in the Notices of Formal Complaint. As a result, we extend the review periods for final action on Verizon's complaints by an additional 62 days for Proceeding 19-354 and 60 days for Proceeding 19-355.

² Notice of Formal Complaint, Proceeding Number 19-354, Bureau ID Number EB-19-MD-008 (Nov. 26, 2019); Notice of Formal Complaint, Proceeding Number 19-355, Bureau ID Number EB-19-MD-009 (Nov. 26, 2019) (collectively, Notices of Formal Complaint).

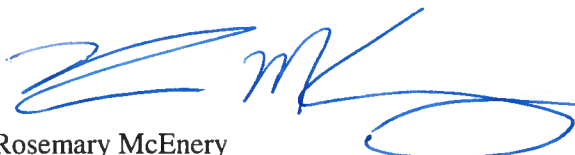
³ See Motion at 3-4.

⁴ See Motion at 6.

⁵ See 47 CFR § 1.733(a) (providing that status conferences may be held at the staff's discretion).

We issue this letter ruling under Sections 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 224, Sections 1.3, 1.720-1.740, and 1.1401-1415 of the Commission's Rules, 47 CFR §§ 1.3, 1.720-1.740, 1.1401-1415, and the authority delegated in Sections 0.111 and 0.311 of the Commission's Rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in blue ink, appearing to read 'RM', is positioned above the typed name and title.

Rosemary McEnery
Division Chief, Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission

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December 4, 2019

Via ECFS

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re: Metropolitan Edison Company, Pennsylvania Electric Company, Penn Power Company, and The Potomac Edison Company's Unopposed Motion for Adjustment of Deadlines (Proceeding Numbers 19-354 and 19-355; Bureau ID Numbers EB-19-MD-008 and EB-19-MD-009)

Ms. Dortch:

Please find attached Metropolitan Edison Company, Pennsylvania Electric Company, Penn Power Company, and The Potomac Edison Company's Motion for Adjustment of Deadlines in Proceeding Numbers 19-354 and 19-355; Bureau ID Numbers EB-19-MD-008, EB-19-MD-009.

Sincerely,



Timothy A. Doughty
Attorney for Metropolitan Edison Company,
Pennsylvania Electric Company, Penn Power
Company, and The Potomac Edison Company

Enclosures

cc: Rosemary McEnery, Enforcement Bureau
Anthony DeLaurentis, Enforcement Bureau

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

_____)	
)	
Verizon Pennsylvania LLC and)	
Verizon North LLC,)	
)	
<i>Complainants,</i>)	
)	Proceeding Number 19-354
)	
v.)	Bureau ID Number EB-19-MD-008
)	
Metropolitan Edison Company,)	
Pennsylvania Electric Company, and)	
Penn Power Company,)	
)	
<i>Defendants</i>)	
_____)	
)	
Verizon Maryland LLC)	
<i>Complainant,</i>)	
)	Proceeding Number 19-355
)	
v.)	Bureau ID Number EB-19-MD-009
)	
The Potomac Edison Company,)	
<i>Defendant</i>)	
_____)	

UNOPPOSED MOTION FOR ADJUSTMENT OF DEADLINES

Pursuant to Section 1.46 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”)¹, Metropolitan Edison Company, Pennsylvania Electric Company, and Penn Power Company (“FirstEnergy”), and The Potomac Edison Company (“Potomac Edison”) (collectively the “FirstEnergy Utilities”) by and through their attorneys,

¹ 47 C.F.R. § 1.46.

respectfully submit this motion requesting that the deadlines applicable to these proceedings be adjusted as set forth below. In further support hereof, the FirstEnergy Utilities state as follows.

1. Verizon Pennsylvania LLC and Verizon North LLC (“Verizon”) filed a pole attachment complaint against FirstEnergy on November 20, 2019.² The FCC provided a Notice of Complaint to FirstEnergy on November 26, 2019. Pursuant to Section 1.726 of the Commission’s rules³, FirstEnergy’s answer is due December 20, 2019. Pursuant to Section 1.728 of the Commission’s rules,⁴ Verizon’s reply is due December 30, 2019.

2. Verizon Maryland LLC (“Verizon MD”) filed a pole attachment complaint against Potomac Edison on November 21, 2019.⁵ The FCC provided a Notice of Complaint to Potomac Edison on November 26, 2019. Pursuant to Section 1.726 of the Commission’s rules,⁶ Potomac Edison’s answer is due December 23, 2019. Pursuant to Section 1.728 of the Commission’s rules,⁷ Verizon MD’s reply is due January 2, 2020.

3. The Commission’s complaint procedure rules allow for motions for extensions of time.⁸

4. Verizon’s Pennsylvania complaint is 51 pages, with an additional 815 pages of exhibits and affidavits. Verizon’s first set of interrogatories seek data and information over a nine year period dating back to 2011. Verizon MD’s Maryland complaint is 42 pages, with an

² Pole Attachment Complaint, *Verizon Pennsylvania LLC and Verizon North LLC v. Metropolitan Edison Company, Pennsylvania Power Company, and Penn Power Company*, Proceeding Number 19-354, Bureau ID Number EB-19-MD-008 (filed Nov. 20, 2019).

³ 47 C.F.R. § 1.726.

⁴ 47 C.F.R. § 1.728.

⁵ Pole Attachment Complaint, *Verizon Maryland LLC v. The Potomac Edison Company*, Proceeding Number 19-355, Bureau ID Number EB-19-MD-009 (filed Nov. 21, 2019).

⁶ 47 C.F.R. § 1.726.

⁷ 47 C.F.R. § 1.728.

⁸ See 47 C.F.R. §§ 1.46 and 1.729.

additional 385 pages of exhibits and affidavits. Verizon MD's first set of interrogatories seek data and information over a three year period dating back to 2017.

5. Verizon's complaint disputes ten different joint use agreements and associated amendments between the Pennsylvania FirstEnergy utilities and Verizon, twenty-seven (27) spreadsheet calculations and accompanying data for pole attachment rental rates associated with FirstEnergy poles, nine spreadsheet calculations and data for pole attachment rental rates associated with Verizon poles, and numerous other spreadsheet calculations attempting to aggregate this data. Verizon MD's complaint disputes another joint use agreement and associated amendments between FirstEnergy's Potomac Edison and Verizon MD, another three spreadsheet calculations and accompanying data for pole attachment rental rates associated with FirstEnergy poles, another three spreadsheet calculations and data for pole attachment rental rates associated with Verizon poles, and additional other spreadsheet calculations attempting to aggregate this data.

6. Altogether, these two complaints filed by Verizon entities against the FirstEnergy Utilities address eleven different joint use agreements and associated amendments, thirty (30) spreadsheet calculations and accompanying data for pole attachment rental rates associated with FirstEnergy poles, twelve (12) spreadsheet calculations and data for pole attachment rental rates associated with Verizon poles, and numerous other spreadsheet calculations attempting to aggregate this data.

7. These two complaints were filed prior to any Commission orders resolving such complaint cases by ILECs like Verizon and Verizon MD against electric utility pole owners like the FirstEnergy Utilities, and are among the first complaints filed under the new version of Rule 1.1413. They involve four separate FirstEnergy operating utilities.

8. Having reviewed Verizon’s and Verizon MD’s, the FirstEnergy Utilities have determined they will need the assistance of one or more outside experts. FirstEnergy has yet to retain such an expert. Additionally, employees from four separate FirstEnergy operating companies must participate in preparing FirstEnergy’s Answers. Further, several of the in-house attorneys and other personnel essential to preparing answers for FirstEnergy and Potomac Edison were not available for periods of time during the month of November and will not be available for periods of time during the month of December because of the holidays and previous personal and professional obligations.

9. Given the size and complexity of the complaints, given that these are among the first complaints filed under the new version of Rule 1.1413, given that the responses to the complaints will require declarations from FirstEnergy and Potomac Edison financial and operational witnesses and one or more outside experts, given the deadlines to object and respond to the interrogatories, and given the logistical difficulties referenced in paragraph 7 and 8 above, it is simply not practical for FirstEnergy and Potomac Edison to adequately respond under the current deadlines applicable to this proceeding.

10. Accordingly, the FirstEnergy Utilities respectfully request that the current deadlines in the Verizon complaint proceeding (19-354) be adjusted as follows:

	Current Deadline	Proposed Deadline
FirstEnergy Response to Verizon’s First Set of Interrogatories	December 10, 2019	January 20, 2020
Answer to Complaint	December 20, 2019	February 3, 2020
Reply	December 30, 2019	March 3, 2020
Verizon’s Response to FirstEnergy’s First Set of Interrogatories	January 9, 2020	March 11, 2020

Joint Statements	January 16, 2020	March 18, 2010
Status Conference	January 30, 2020	Suggested Dates; March 30- April 3, 2020
Briefing/Discovery Deadline	February 13, 2020	April 15, 2020

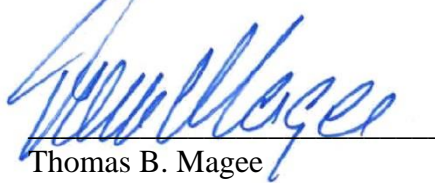
11. The FirstEnergy Utilities further respectfully request that the current deadlines in the Verizon MD complaint proceeding (19-355) be adjusted as follows:

	Current Deadline	Proposed Deadline
Potomac Edison's Response to Verizon MD's First Set of Interrogatories	December 11, 2019	January 22, 2020
Answer to Complaint	December 23, 2019	February 5, 2020
Reply	January 2, 2019	March 5, 2020
Verizon MD's Response to Potomac Edison's First Set of Interrogatories	January 13, 2020	March 13, 2020
Joint Statements	January 20, 2020	March 20, 2019
Status Conference	February 3, 2020	Suggested Dates: March 30 – April 3, 2020
Briefing/Discovery Deadline	February 17, 2020	April 17, 2020

12. These proposed adjustments should not impact the target deadline for final action on the complaint within 270 days of filing each complaint. The 270th day after filing the complaint against FirstEnergy is Sunday, August 16, 2020. The 270th day after filing the complaint against Potomac Edison is Monday, August 17, 2020. The adjusted scheduled proposed above still allows four months for the Commission to resolve the complaints after the conclusion of all discovery and briefing in each proceeding.

13. The undersigned counsel has communicated with counsel for Verizon and Verizon MD, and Verizon and Verizon MD do not oppose the schedule adjustment requested herein.

Respectfully submitted,



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*Attorneys for the FirstEnergy Utilities:
Metropolitan Edison Company
Pennsylvania Electric Company
Penn Power Company
The Potomac Edison Company*

December 4, 2019

CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 4th day of December 2019, a true and authorized copy of Metropolitan Edison Company, Pennsylvania Electric Company, Penn Power Company, and The Potomac Edison Company's Motion for Adjustment of Deadlines was served on the parties listed below via electronic mail and was filed with the Commission via ECFS.

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