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File #: 180259

May 5, 2026

***VIA ELECTRONIC FILING***

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Verizon Pennsylvania LLC and Verizon North LLC v. Metropolitan Edison  
Company, Pennsylvania Electric Company, and Pennsylvania Power Company;  
Docket Number: C-2020-3019347**

Dear Secretary Homsher:

Enclosed for filing on behalf of FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”) is the Company’s Answer to Verizon Pennsylvania LLC and Verizon North LLC’s (collectively, “Verizon”) Motion to Dismiss Objections and Compel Responses to Verizon’s Fourth Set of Interrogatories and Requests for Production of Documents (“VZ to FE PA Set IV”) in the above-captioned proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Devin Ryan

DR/tc

Attachment

cc: The Honorable John M. Coogan (*via email w/attachment*)  
Certificate of Service

**CERTIFICATE OF SERVICE**

**(Docket No. C-2020-3019347)**

I hereby certify that a true and correct copy of the foregoing 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 E-MAIL ONLY**

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Date: May 5, 2026



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Verizon Pennsylvania LLC and Verizon North LLC,	:	
	:	
	:	
Complainants	:	
	:	
v.	:	Docket No. C-2020-3019347
	:	
Metropolitan Edison Company,	:	
Pennsylvania Electric Company, and	:	
Pennsylvania Power Company,	:	
	:	
Respondents	:	

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**ANSWER OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY TO THE  
MOTION OF VERIZON PENNSYLVANIA LLC AND VERIZON NORTH LLC TO  
DISMISS OBJECTIONS AND COMPEL RESPONSES TO THE FOURTH SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

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**TO ADMINISTRATIVE LAW JUDGE JOHN M. COOGAN:**

Pursuant to 52 Pa. Code § 5.342(g)(1), FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”),<sup>1</sup> hereby files this Answer to Verizon Pennsylvania LLC and Verizon North LLC’s (collectively, “Verizon”) Motion to Dismiss Objections and Compel Responses (“Motion to Compel” or “Motion”) to Verizon’s Fourth Set of Interrogatories and Requests for Production of Documents (“VZ to FE PA Set IV”).

As explained herein, Administrative Law Judge John M. Coogan (the “ALJ”) should deny Verizon’s Motion. FE PA has objected to VZ to FE PA Set IV, Nos. 1-4, 6-8, 11-12, 14, and 16 on the grounds are that one or more of these requests call for a special study or analysis,

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<sup>1</sup> On December 7, 2023, the Pennsylvania Public Utility Commission (“Commission”) entered an Order at Docket Nos. A-2023-3038771, et al. approving, among other things, the merger of Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) into FE PA with FE PA as the surviving entity. Therefore, FE PA submits that all references to the three prior respondents in this matter should, instead, be made to FE PA as their successor in interest.

are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seek privileged information and materials, ask for drafts of testimony and exhibits, and seek disclosure of facts and opinions held by expert witnesses prior to the service of their direct testimony in accordance with the litigation schedule.

Due to clarifications provided by Verizon in its Motion to Compel, FE PA will answer VZ to FE PA Set IV, No. 4. FE PA further recognizes Verizon's clarification that it is not seeking a special study or analysis in VZ to FE PA Set IV, Nos. 8 and 11. The Company also will answer VZ to FE PA Set IV, No. 16 consistent with Verizon's offer to produce the requested information and materials within two business days after FE PA submits its supplemental testimony. Furthermore, although the Company believes that a Protective Order should still be put in place to govern the use, admission, and treatment of proprietary information and materials in this proceeding, FE PA is willing to rely on the Stipulated Protective Agreement from the initial phase of the proceeding. Indeed, the Company produced materials in discovery on May 4, 2026, pursuant to that understanding. Thus, the only discovery requests that remain in dispute are VZ to FE PA Set IV, Nos. 1-3, 6-8, 11-12, and 14.

Verizon's Motion to Compel responses for these discovery requests should be denied. As noted in FE PA's Answer to Verizon's Motion to Amend Pole Attachment Complaint, this remand proceeding is limited in scope and is not intended for Verizon to have a proverbial second bite at the apple. Discovery should correspondingly be limited in scope substantively and temporally to reflect that. Yet, Verizon wants to use discovery to encompass information and materials going far beyond that limited scope.

First, Verizon seeks information and materials concerning FE PA's West Penn Rate Division, whose rates and Joint Use Agreements were never at issue in this proceeding. Simply

because a merger took place in the intervening six years since this litigation began does not mean that the rates and Joint Use Agreements of FE PA's West Penn Rate Division suddenly become relevant here. All four of FE PA's Rate Divisions maintain separate rates, accounts, and Joint Use Agreements. Unless and until the rates and accounts of FE PA's Rate Divisions are unified, it is inappropriate for Verizon to engage in discovery targeted at FE PA's West Penn Rate Division. The scope of the remand proceeding cannot be broadened to encompass the rates and Joint Use Agreements of FE PA's West Penn Rate Division, and Verizon's attempt to do so should be rejected.

Second, Verizon requests information and materials going back decades, as far as 1999, under the belief that such discovery is needed to prove "changed circumstances." That temporal scope goes far beyond the scope of this limited remand proceeding. Verizon cannot be permitted to use the remand proceeding as an opportunity to cure the defects with its original case and litigation strategy. Moreover, if Verizon's intent really were to "supplement the record to the extent needed to account for the Supreme Court decision" and the "more relevant facts that have developed since the last record" as it represented at the prehearing conference on remand,<sup>2</sup> then Verizon's discovery requests would be focused on the past six years (i.e., 2020 to present), which would provide the information and materials that were created or gathered since discovery closed in the original proceeding.

Third, Verizon's inquiry into the Joint Use Agreements of every attacher is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Verizon's Complaint is framed around the theory that FE PA's rates charged to Verizon are unjust and unreasonable because FE PA's Met-Ed, Penelec, and Penn Power Rate Divisions charge cable companies and Competitive Local Exchange Carriers ("CLECs") lower

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<sup>2</sup> Tr. 21.

rates. In discovery, however, Verizon asks for information and documents dating back decades for any “Pole Attachment Agreement with FirstEnergy” and any “ILEC, CLEC, cable company, wireless provider, or other entity.” Verizon’s requests extend even further to encompass entities that do not attach cable or otherwise utilize poles in a comparable manner, such as municipalities. Information concerning such entities has no bearing on the issues presented in this proceeding and falls well outside the permissible scope of discovery.

Fourth, Verizon’s requests about unbilled and uncollected pole attachment rent and about Commission-ordered refunds (in any non-*pro se* customer complaint proceeding) are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Verizon again seeks information and materials going back over 15 years ago for the unbilled and uncollected pole attachment rent and over 17 years for the Commission-ordered refunds, with specific information requested for each such instance. As stated previously, this remand proceeding is limited in scope and should not extend beyond the period when discovery last closed six years ago (i.e., 2020). Moreover, the Company cannot reasonably be expected to develop a manual compilation of information and materials for every unbilled or uncollected pole attachment rent over the past 15 years and for every Commission-ordered refund, in any non-*pro se* customer complaint proceeding, over the past 17 years. Nevertheless, as a means of compromise FE PA is willing to answer the request for information about Commission-ordered refunds if the scope were limited to the past 10 years and to refunds involving pole attachment rates. Contrary to Verizon’s claim that such limitation would only encompass FE PA’s 2024 base rate case, Verizon overlooks its own statement in the Motion that Met-Ed, Penelec, Penn Power, and West Penn had a base rate case in 2016.

In support of its Answer, FE PA states as follows:

**I. INTRODUCTION**

1. On April 15, 2026, Verizon served VZ to FE PA Set IV. A true and correct copy of VZ to FE PA Set IV is attached as **Appendix A**.

2. On April 20, 2026, FE PA timely served its Objections to VZ to FE PA Set IV. Specifically, FE PA objected to VZ to FE PA Set IV, Nos. 1-4, 6-8, 11-12, 14, and 16 on the grounds that one or more of these requests call for a special study or analysis, are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seek privileged information and materials, ask for drafts of testimony and exhibits, and seek disclosure of facts and opinions held by expert witnesses prior to the service of their direct testimony in accordance with the litigation schedule. A true and correct copy of FE PA's Objections is attached as **Appendix B**.

3. On April 30, 2026, Verizon filed its Motion to Compel.

4. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. *Id.*

5. As noted by the Superior Court of Pennsylvania, "While discovery should be liberally allowed, 'fishing expeditions' are not to be countenanced under the guise of discovery." *Land v. State Farm Mutual Ins. Co.*, 600 A.2d 605, 608 (Pa. Super. 1991) (emphasis added).

6. "[T]he standard for discovery is relevance, not curiosity." *Pa. PUC v. Pennsylvania-American Water Co.*, Docket Nos. R-2011-2232243, *et al.*, at 22 (July 21, 2011) (Order on Motion to Compel).

7. The issues in this proceeding are limited in scope, as set forth in FE PA's Answer to Verizon's Motion to Amend, to the following: the Commission must: (1) correctly apply the

presumption that the existing pole attachment rates are just and reasonable and place the “very heavy burden” on Verizon to prove that the existing pole attachment rates are no longer just and reasonable; (2) conduct a “real analysis” on “the effects on FirstEnergy’s customers” resulting from Verizon’s requested relief; and (3) determine “whether any cost savings for Verizon would be passed along to its customers or merely enrich Verizon shareholders.” *FirstEnergy Pa. Elec. Co. v. Pa. PUC*, 349 A.3d 165, 178, 189 (Pa. 2026).

8. As explained previously, the Company will answer: (a) VZ to FE PA Set IV, No. 4 due to the clarifications provided by Verizon; and (b) VZ to FE PA Set IV, No. 16 consistent with Verizon’s offer to produce the requested information and materials within two business days after FE PA submits its supplemental testimony.

9. Therefore, the only remaining Objections that remain in dispute are to VZ to FE PA Set IV, Nos. 1-3, 6-8, 11-12, and 14.

10. For the reasons stated in more detail below, FE PA respectfully requests that the ALJ grant the Company’s Objections to those discovery requests and deny Verizon’s Motion to Compel.

## **II. VERIZON’S MOTION TO COMPEL SHOULD BE DENIED**

### **A. OBJECTIONS TO VZ TO FE PA SET IV, NO. 1**

11. VZ to FE PA Set IV, No. 1 requests the following:

1. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide the New Telecom Rate for a communications provider’s use of one foot of space on (a) Met-Ed’s poles, (b) Penelec’s poles, (c) Penn Power’s poles, and (d) FirstEnergy Pennsylvania’s poles. In answering this question, provide for each New Telecom Rate FirstEnergy’s calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated a New Telecom Rate, provide all inputs and identify all source data

required to calculate the rate. Provide all documents concerning all calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

12. FE PA objected to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. FE PA has four rate divisions, each of which corresponds to one of the former Pennsylvania utility operating companies that were merged to create FE PA: Met-Ed, Penelec, Penn Power, and West Penn.

14. The instant proceeding, however, only involves three of those rate divisions, namely the Met-Ed, Penelec, and Penn Power Rate Divisions.

15. As posited, VZ to FE PA Set IV, No. 1 requests information about the “New Telcom Rate for a communications provider’s use of one foot of space” on “FirstEnergy Pennsylvania’s poles,” which would encompass West Penn Rate Division’s rates and poles.

16. Therefore, by requesting this information about the West Penn Rate Division, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

17. Verizon attempts to counter this argument by asserting that it “needs company-wide information to analyze FirstEnergy Pennsylvania’s company-wide FERC Form 1, to understand the company’s pole attachment costs, rental rates, and post-merger practices, and to calculate rental rates using the FCC rate methodology incorporated into Pennsylvania’s regulations.” (Motion to Compel, p. 5.)

18. Verizon also asserts that “[u]nlike prior years—when Met-Ed, Penelec, Penn Power, and West Penn Power each filed separate pole cost data with the Federal Energy

Regulatory Commission (‘FERC’)—FirstEnergy Pennsylvania now files company-wide pole cost data that does not break down costs by former operating company.”

19. Verizon’s argument should be denied.

20. This limited remand proceeding is limited in scope to three Rate Divisions of FE PA: Met-Ed, Penelec, and Penn Power.

21. Verizon’s Complaint was lodged against Met-Ed, Penelec, and Penn Power, not West Penn, and Verizon has challenged the pole attachment rates under its Joint Use Agreements with the Met-Ed, Penelec, and Penn Power Rate Divisions, not the West Penn Rate Division.

22. As such, the rates and Joint Use Agreements of West Penn (which is now a Rate Division of FE PA) are beyond the scope of this proceeding.

23. Indeed, all four of FE PA’s Rate Divisions maintain separate rates, accounts, and Joint Use Agreements.

24. If Verizon truly were concerned with trying to obtain a breakdown of costs by former operating company, so that it could have data specific to the Met-Ed, Penelec, and Penn Power Rate Divisions, then it could have framed its discovery request around such a request.

25. Verizon did not and, instead, asks for information and materials about the rates and Joint Use Agreements of FE PA’s West Penn Rate Division as well.

26. Unless and until the rates and accounts of FE PA’s Rate Divisions are unified, it is inappropriate for Verizon to engage in discovery targeted at FE PA’s West Penn Rate Division.

27. The scope of the remand proceeding cannot be broadened to encompass the rates and Joint Use Agreements of FE PA’s West Penn Rate Division, and Verizon’s attempt to do so should be rejected.

**B. OBJECTIONS TO VZ TO FE PA SET IV, NO. 2**

28. VZ to FE PA Set IV, No. 2 requests the following:

2. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide:
  - (a) the rental or deficiency rate that FirstEnergy contends applies to Verizon's use of FirstEnergy's poles under the Joint Use Agreements and, if different, the rental or deficiency rate that FirstEnergy charged Verizon;
  - (b) the number of FirstEnergy poles governed by the Joint Use Agreements that FirstEnergy contends have Verizon facilities attached;
  - (c) the number of deficiency poles owned by Met-Ed that FirstEnergy contends are subject to a deficiency rate under the Joint Use Agreements;
  - (d) the rental rate that FirstEnergy contends applies to FirstEnergy's use of Verizon's poles under the Joint Use Agreements and, if different, the rental rate reflected in a rental invoice issued by FirstEnergy; and
  - (e) the number of Verizon poles governed by the Joint Use Agreements that FirstEnergy contends have FirstEnergy facilities attached.

In answering this question, provide for each rental or deficiency rate FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated the rental or deficiency rate that it contends applies to Verizon's use of FirstEnergy's poles and/or the rental rate that FirstEnergy contends applies to FirstEnergy's use of Verizon's poles under the Joint Use Agreements, provide all inputs and identify all source data required to calculate the rate. Provide all documents concerning all rate calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

29. FE PA objected to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

30. As explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

31. In further response, Verizon’s claim that this request is necessary because it “is entitled to learn what rates FirstEnergy Pennsylvania seeks to enforce” should be rejected. (Motion to Compel, p. 8.)

32. On May 4, 2026, FE PA served its response to VZ to FE PA Set IV, No. 2 for Met-Ed, Penelec, and Penn Power for the years 2020 through 2023 and for the Met-Ed, Penelec, and Penn Power Rate Divisions for the year 2024 and forward.

33. Thus, an inquiry into the rates of West Penn Rate Division is beyond the scope of this proceeding and is not needed to inform Verizon about “what rates FirstEnergy Pennsylvania seeks to enforce” under the Joint Use Agreements at issue in this proceeding.

**C. OBJECTIONS TO VZ TO FE PA SET IV, NO. 3**

34. VZ to FE PA Set IV, No. 3 requests the following:

3. For each year beginning with 2011 for Met-Ed, Penelec, and Penn Power, and with 2024 for FirstEnergy Pennsylvania, state whether FirstEnergy did not charge pole attachment rent to any entity with facilities attached to its poles and/or whether FirstEnergy did not collect the full amount of pole attachment rent it invoiced. In answering this question, if FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of pole attachment rent it invoiced, identify the relevant entity and describe for each such entity: (a) whether FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of invoiced pole attachment rent; (b) the rental years for which FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of invoiced pole attachment rent; (c) the amount of pole attachment rent FirstEnergy contends that it did not charge and/or did not collect; (d) the reason why FirstEnergy did not charge and/or collect pole attachment rent; (e) how FirstEnergy treated the unbilled or uncollected revenue in a base rate proceeding filed by FirstEnergy under 66 Pa.C.S. § 1308(d), and (f) the docket number for the base rate proceeding. Identify and

provide all non-privileged documents concerning FirstEnergy's treatment of the unbilled or uncollected revenue in a base rate proceeding. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

35. FE PA objected to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

36. As explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

37. Also, this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence due to its expansive temporal scope.

38. Here, Verizon's discovery request would require FE PA to review an extensive amount of records and documents for all the attachers to its facilities for the Met-Ed, Penelec, and Penn Power Rate Divisions for the past 15 years, and then compile such information in the manner requested by Verizon.

39. Consequently, due to the expansive temporal scope of this request and the amount of records implicated by it, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

40. Nevertheless, Verizon contends that this request is necessary to "learn whether, and to what extent, other pole attachment revenue reductions have affected electric rates, including any reductions experienced by FirstEnergy Pennsylvania post-merger." (Motion to Compel, p. 16.)

41. Verizon also believes that a "timeframe starting in 2011 is reasonable" because: (a) the Commission considered pre-2011 evidence in the initial phase of the litigation; (b) the Supreme Court referred to 2011 as a "major milestone"; and (c) "presumably there are few

instances where FirstEnergy Pennsylvania fails to bill or collect pole attachment rent.” (Motion to Compel, pp. 16-17.)

42. Verizon’s arguments should be rejected.

43. As the Company noted previously, this is a remand proceeding with limited scope, and Verizon cannot use this as an opportunity to engage in expansive discovery that goes beyond that scope.

44. A request that would require FE PA to undertake a manual review and compilation of every uncollected or unbilled pole attachment rent going back 15 years goes well beyond that scope.

45. Furthermore, Verizon’s presumption that “there are few instances where FirstEnergy Pennsylvania fails to bill or collect pole attachment rent” undercuts its argument.

46. Even if there were only a “few instances” of failing to bill or collect pole attachment rent, FE PA would still be required to go account by account to confirm that the Company never failed to bill or collect pole attachment rent from each attacher.

47. Therefore, Verizon appears to anticipate FE PA to dedicate a significant amount of time and resources to analyze individual accounts for 15 years, only to produce a “few instances” that are supposedly relevant to its claims.

**D. OBJECTIONS TO VZ TO FE PA SET IV, NO. 6**

48. VZ to FE PA Set IV, No. 6 requests the following:

6. To the extent not previously produced, for each year beginning with 2009 for Met-Ed and Penelec, for each year beginning with 1999 for Penn Power, and for each year beginning with 2024 for FirstEnergy Pennsylvania, identify all entities that had a Pole Attachment Agreement with FirstEnergy and state whether the entity was an ILEC, CLEC, cable company, wireless provider, or other entity. For each entity and each year, describe in detail the pole attachment rent collected from the entity, including whether rent was calculated as a lump sum amount, a net rental amount, a

gross rental amount, a deficiency amount, using rental rates, and/or in some other manner. In answering this question, provide (a) the manner for calculating the pole attachment revenue, (b) the rate and/or amount that FirstEnergy charged the entity, (c) the rate and/or amount that FirstEnergy collected from the entity, if different, (d) the number of poles and/or attachments for which pole attachment rent was charged, (e) the total gross rental amount FirstEnergy collected from the entity and, if applicable, (f) the rate and/or amount that applied to FirstEnergy's use of the entity's poles, (g) the number of the entity's poles used by FirstEnergy, and (h) the total net rental amount collected from the entity. Provide all documents concerning FirstEnergy's response to this Request, including all source data and workpapers. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

49. FE PA objected to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

50. As explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

51. Additionally, this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence due to its expansive temporal scope.

52. Verizon also cannot be permitted to use the remand proceeding as an opportunity to cure the defects with its original case and litigation strategy.

53. Moreover, Verizon's request would require FE PA to compile extensive information and documents for every year going back 27 years for the Penn Power Rate Division and 17 years for the Met-Ed and Penelec Rate Divisions.

54. Information and documents dating back decades for any "Pole Attachment Agreement with FirstEnergy" and any "ILEC, CLEC, cable company, wireless provider, or other

entity” is not relevant to the matters in dispute, nor is it reasonably calculated to lead to the discovery of admissible evidence.

55. Indeed, Verizon’s Complaint is framed around the theory that FE PA’s rates charged to Verizon are unjust and unreasonable because FE PA’s Met-Ed, Penelec, and Penn Power Rate Divisions charge cable companies and CLEC lower rates.

56. However, Verizon requests information and materials going back decades, as far as 1999, for other attachers besides cable companies and CLECs under the belief that such discovery is needed to prove “changed circumstances.” (Motion to Compel, p. 11.)

57. If Verizon’s intent really were to “supplement the record to the extent needed to account for the Supreme Court decision” and the “more relevant facts that have developed since the last record” as it represented at the prehearing conference on remand,<sup>3</sup> then Verizon’s discovery requests would be focused on the past six years (i.e., 2020 to present), which would provide the information and materials that were created or gathered since discovery closed in the original proceeding.

58. As such, this request goes far beyond the scope of this limited remand proceeding.

**E. OBJECTIONS TO VZ TO FE PA SET IV, NO. 7**

59. VZ to FE PA Set IV, No. 7 requests the following:

7. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, describe in detail the method or formula FirstEnergy used to calculate the pole attachment rate(s) it charged cable companies and CLECs. For each pole attachment rate charged, provide FirstEnergy’s calculation of the rate and identify all inputs, assumptions, and source data, the person(s) who calculated the rate, and the date the rate was calculated. To the extent that a rate identified in response to this Request differs from the rate identified in response to Request 1 for the same pole owner and same year, describe in detail the reason for the difference. Provide

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<sup>3</sup> Tr. 21.

all documents concerning all calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

60. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

61. As explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

**F. OBJECTIONS TO VZ TO FE PA SET IV, NO. 8**

62. VZ to FE PA Set IV, No. 8 requests the following:

8. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide FirstEnergy's state-authorized weighted average cost of capital and/or weighted cost of equity, FirstEnergy's cost of debt, FirstEnergy's cost of equity, and FirstEnergy's capital structure. Identify in your response the formula, calculations, inputs, assumptions, and source data used to determine FirstEnergy's state-authorized weighted average cost of capital and/or weighted cost of equity, FirstEnergy's cost of debt, FirstEnergy's cost of equity, and FirstEnergy's capital structure. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

63. FE PA objected to this request on the grounds that it calls for a special study or analysis and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

64. FE PA recognizes Verizon's clarification that it is not requesting a special study or analysis. (Motion to Compel, p. 9 n.1.)

65. However, as explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

**G. OBJECTIONS TO VZ TO FE PA SET IV, NO. 11**

66. VZ to FE PA Set IV, No. 11 requests the following:

11. For each year beginning with 2019 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, identify the rate for a communications provider's use of one foot of space on (a) Met-Ed's poles, (b) Penelec's poles, (c) Penn Power's poles, and (d) FirstEnergy Pennsylvania's poles using the formula "RR = E + ROR(RB)" that is referenced on page 42 of FirstEnergy's Initial Brief. For each rate, provide FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated a rate using the formula "RR = E + ROR(RB)," identify all inputs and source data required to calculate the rate. Provide all documents concerning the calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

67. FE PA objected to this request on the grounds that it calls for a special study or analysis and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

68. FE PA recognizes Verizon's clarification that it is not requesting a special study or analysis. (Motion to Compel, p. 10 n.2.)

69. As explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

**H. OBJECTIONS TO VZ TO FE PA SET IV, NO. 12**

70. VZ to FE PA Set IV, No. 12 requests the following:

12. To the extent not previously produced, provide FirstEnergy's Pole Attachment Agreements.

71. FE PA objected to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

72. As defined in the Instructions accompanying VZ to FE PA Set IV, “Pole Attachment Agreements” means “an agreement between FirstEnergy and any entity for use of space on FirstEnergy’s poles and includes, without limitations, Joint Use Agreements and License Agreements.”

73. This remand proceeding is limited in scope to the Joint Use Agreements in place between Verizon and FE PA’s Met-Ed, Penelec, and Penn Power Rate Divisions and the rates under those agreements.

74. An inquiry into and production of every “Pole Attachment Agreement” for FE PA is far beyond the scope of this proceeding.

75. In fact, the request encompasses any agreement governing the attachment of facilities to FE PA’s poles, including those entities that are not similarly-situated to Verizon, which is an Incumbent Local Exchange Carrier (“ILEC”).

76. As noted previously, Verizon’s Complaint is framed around the theory that FE PA’s rates charged to Verizon are unjust and unreasonable because FE PA’s Met-Ed, Penelec, and Penn Power Rate Divisions charge cable companies and CLEC lower rates.

77. Therefore, an inquiry into the rates charged to other attachers besides cable companies and CLECs are beyond the scope of discovery in this proceeding.

78. Verizon’s request for joint use agreements would implicate a wide range of disparate attachers, including, but not limited to, information-service-only entities operating under negotiated agreements.

79. These categories of attachers are subject to materially different regulatory frameworks, rate structures, and contractual terms, such that their agreements are not comparable for purposes of evaluating Verizon's claims.

80. This request also sweeps in entities such as municipalities and others that do not attach cable or otherwise use poles in a manner comparable to Verizon, rendering information concerning those entities wholly irrelevant to the issues in this proceeding.

81. Furthermore, as explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

**I. OBJECTIONS TO VZ TO FE PA SET IV, NO. 14**

82. VZ to FE PA Set IV, No. 14 requests the following:

14. State each and every instance since 2009 in which FirstEnergy was expressly required by the Public Utility Commission to refund amounts to any entity. Describe in detail each such refund, including (a) the docket number in which the refund was required; (b) how much FirstEnergy was required to refund, why, to, whom, and when; (c) whether, and if so, when and by how much FirstEnergy sought to increase the rates it charges its electric customers on a gross and per-customer basis because of the refund; and (d) whether and, if so, what increase to the rates FirstEnergy charges its electric customers was authorized by the Public Utility Commission and the impact of that increase on a per-customer basis. Identify and provide all filings at the Commission that reference the refund and/or a rate increase authorized by the Public Utility Commission because of the refund. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

83. FE PA objected to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

84. As explained in Section II.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

85. In addition, Verizon's request asks for extensive information, stretching back over 17 years, for "each and every instance . . . in which FirstEnergy was expressly required by the Public Utility Commission to refund amounts to any entity."

86. As written, Verizon's request would encompass any Commission proceeding, including *pro se* customer complaints, where FE PA was directed to issue a refund to an entity.

87. Although Verizon is willing to exclude *pro se* customer complaints, FE PA would still have to scour its records for every Commission proceeding over the past 17 years and evaluate which, if any, resulted in a Commission-ordered refund.

88. Also, such refunds have no bearing on the instant proceeding, which involves pole attachment agreements and rates.

89. Nevertheless, FE PA remains willing answer this request if the scope were limited to the past 10 years and to refunds involving pole attachment rates.

90. Verizon asserts, however, that "[t]his limitation would render the Request a nullity" because "FirstEnergy Pennsylvania has had just one base rate proceeding in the last 10 years (2024)." (Motion to Compel, p. 18.)

91. This claim, which appears in Paragraph 35 of Verizon's Motion, is undone by its statement in Paragraph 34 that FirstEnergy had rate cases in "2014, 2016, and 2024." (Motion to Compel, p. 18.)

92. Therefore, Verizon erroneously claims that a limitation for the past 10 years would only encompass one base rate case.

93. For these reasons, FE PA respectfully requests that the ALJ grant the Company's Objections to VZ to FE PA Nos. 1-3, 6-8, 11-12, and 14. and deny Verizon's Motion to Compel.

### III. CONCLUSION

For the reasons set forth above, FirstEnergy Pennsylvania Electric Company respectfully requests that Administrative Law Judge John M. Coogan grant the Company's Objections as set forth above and deny Verizon Pennsylvania LLC and Verizon North LLC's Motion to Dismiss Objections and Compel Responses to Interrogatories and Requests for Production of Documents.

Respectfully submitted,



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Dated: May 5, 2026

*Counsel for FirstEnergy Pennsylvania Electric Company,  
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Company, and Pennsylvania Power Company*

## **Appendix A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Verizon Pennsylvania LLC and	:	
Verizon North LLC	:	
	:	
v.	:	C-2020-3019347
Metropolitan Edison Company, Pennsylvania	:	
Electric Company and Penn Power Company,	:	
now known as FirstEnergy Pennsylvania	:	
Electric Company	:	

**VERIZON’S FOURTH SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO METROPOLITAN  
EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY AND  
PENNSYLVANIA POWER COMPANY**

Pursuant to 66 Pa. C.S. § 333 and 52 Pa. Code § 5.341 *et seq.*, Verizon Pennsylvania LLC and Verizon North LLC (collectively, “Verizon”) issue this Fourth Set of Interrogatories and Requests for Production of Documents (“Requests”) to Defendants Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), and Pennsylvania Power Company (“Penn Power”), now known as FirstEnergy Pennsylvania Electric Company (collectively, “FirstEnergy”) and those persons authorized to answer on FirstEnergy’s behalf.

**DEFINITIONS AND INSTRUCTIONS**

Verizon incorporates by reference the definitions and instructions included in Verizon’s Third Set of Interrogatories and Requests for Production of Documents, which were served on FirstEnergy on May 15, 2020, except to the extent that a term is again defined below. The following terms have the following meanings, unless the context requires otherwise:

1. “Field Audit” means any review and/or collection of data regarding FirstEnergy’s utility poles or attachments to such utility poles by FirstEnergy employees and/or a third-party contractor, including any pole inventories, pole audits, pole surveys, and pole samples.

2. “FirstEnergy” means any or all of FirstEnergy Pennsylvania Electric Company, Metropolitan Edison Company, Pennsylvania Electric Company, and Penn Power Company, and any persons associated with those entities, including, but not limited to, each of their current or former parents, subsidiaries, affiliates, officers, directors, independent contractors, agents, servants, attorneys, successors, predecessors, representatives, investigators, experts, employees, ex-employees, consultants, representatives and others who are in possession of, or who may have obtained, information for or on behalf of the above-mentioned persons or entities.

3. “FirstEnergy Pennsylvania” means FirstEnergy Pennsylvania Electric Company.

4. “FirstEnergy Supplemental Witness” means a person who submitted or will submit Supplemental Testimony on behalf of FirstEnergy during the remand phase of this Litigation.

5. “ILEC” means an incumbent local exchange carrier.

6. “Initial Brief” means the document titled “Main Brief of Metropolitan Edison Company, Pennsylvania Electric Company, and Pennsylvania Power Company” that was filed in the Litigation on July 28, 2020.

7. “Litigation” means all proceedings concerning the Pole Attachment Complaint, including all proceedings in FCC Proceeding Number 19-354, Bureau ID Number EB-19-MD-008, all proceedings in Pennsylvania Public Utility Commission Docket No. C-2020-3019347, all proceedings seeking further review of the Commission’s decision before the Pennsylvania Commonwealth Court, all proceedings on appeal from the Commonwealth Court’s decision before the Pennsylvania Supreme Court, and all proceedings on remand.

8. “New Telecom Rate” means the rate that is calculated using the formula at 47 C.F.R. § 1.1406(d)(2) (incorporated at 52 Pa. Code § 77.4(a)), the inputs identified at 47 C.F.R.

§§ 1.1409 and 1.1410 (incorporated at 52 Pa. Code § 77.4(a)), FirstEnergy's current rate of return, and FirstEnergy's year-end pole costs from the immediately preceding year.

9. "Pole Attachment Agreement" means an agreement between FirstEnergy and any entity for use of space on FirstEnergy's poles and includes, without limitations, Joint Use Agreements and License Agreements.

10. "Pole Attachment Complaint" means the Pole Attachment Complaint filed by Verizon on November 20, 2019 in FCC Proceeding Number 19-354, Bureau ID Number EB-19-MD-008 and transferred to the Pennsylvania Public Utility Commission at Docket No. C-2020-3019347, and any amendments thereto.

11. "Supplemental Testimony" means any supplemental testimony and exhibits submitted on behalf of FirstEnergy in Pennsylvania Public Utility Commission Docket No. C-2020-3019347 during the remand phase of this Litigation.

## **INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide the New Telecom Rate for a communications provider's use of one foot of space on (a) Met-Ed's poles, (b) Penelec's poles, (c) Penn Power's poles, and (d) FirstEnergy Pennsylvania's poles. In answering this question, provide for each New Telecom Rate FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated a New Telecom Rate, provide all inputs and identify all source data required to calculate the rate. Provide all documents concerning all calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

2. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide:

- (a) the rental or deficiency rate that FirstEnergy contends applies to Verizon's use of FirstEnergy's poles under the Joint Use Agreements and, if different, the rental or deficiency rate that FirstEnergy charged Verizon;
- (b) the number of FirstEnergy poles governed by the Joint Use Agreements that FirstEnergy contends have Verizon facilities attached;
- (c) the number of deficiency poles owned by Met-Ed that FirstEnergy contends are subject to a deficiency rate under the Joint Use Agreements;
- (d) the rental rate that FirstEnergy contends applies to FirstEnergy's use of Verizon's poles under the Joint Use Agreements and, if different, the rental rate reflected in a rental invoice issued by FirstEnergy; and
- (e) the number of Verizon poles governed by the Joint Use Agreements that FirstEnergy contends have FirstEnergy facilities attached.

In answering this question, provide for each rental or deficiency rate FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated the rental or deficiency rate that it contends applies to Verizon's use of FirstEnergy's poles and/or the rental rate that FirstEnergy contends applies to FirstEnergy's use of Verizon's poles under the Joint Use Agreements, provide all inputs and identify all source data required to calculate the rate. Provide all documents concerning all rate calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

3. For each year beginning with 2011 for Met-Ed, Penelec, and Penn Power, and with 2024 for FirstEnergy Pennsylvania, state whether FirstEnergy did not charge pole attachment rent to any entity with facilities attached to its poles and/or whether FirstEnergy did not collect the full amount of pole attachment rent it invoiced. In answering this question, if FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of pole attachment rent it invoiced, identify the relevant entity and describe for each such entity:

(a) whether FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of invoiced pole attachment rent; (b) the rental years for which FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of invoiced pole attachment rent; (c) the amount of pole attachment rent FirstEnergy contends that it did not charge and/or did not collect; (d) the reason why FirstEnergy did not charge and/or collect pole attachment rent; (e) how FirstEnergy treated the unbilled or uncollected revenue in a base rate proceeding filed by FirstEnergy under 66 Pa.C.S. § 1308(d), and (f) the docket number for the base rate proceeding. Identify and provide all non-privileged documents concerning FirstEnergy's

treatment of the unbilled or uncollected revenue in a base rate proceeding. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

4. Identify and provide all non-privileged documents concerning FirstEnergy's view of the potential impact of this Litigation, including the potential impact of the relief sought by this Litigation, on the rates FirstEnergy charges its customers, and all documents concerning or reflecting the position taken by any other entity, including the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission and the Office of Consumer Advocate ("OCA"), concerning the potential impact of this Litigation, including the potential impact of the relief sought by this Litigation, on the rates FirstEnergy charges its customers. Include with your response unredacted copies of all documents related to Pennsylvania Public Utility Commission docket R-2024-3047068 that reference this Litigation, including all filings made and all documents issued, exchanged, or produced by any entity, including FirstEnergy. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

5. Identify and provide all non-privileged internal communications, memoranda, analyses, reports, documents, and presentations concerning FirstEnergy's assessment, at any time since July 12, 2011, of whether the pole attachment rates charged to Verizon under the Joint Use Agreements were consistent with the New Telecom Rate, the just and reasonable rate standard under 47 U.S.C. § 224(b)(1), the just and reasonable rate standard under the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1301(a), the non-discriminatory rate standard under the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1304, the Pennsylvania Public Utility Commission's pole attachment regulations, 52 Pa. Code §§ 77.1-77.7, the FCC's 2011 *Pole Attachment Order*,

and/or the FCC's 2018 *Third Report and Order*, including any analyses of the financial impact of adjusting those rates.

6. To the extent not previously produced, for each year beginning with 2009 for Met-Ed and Penelec, for each year beginning with 1999 for Penn Power, and for each year beginning with 2024 for FirstEnergy Pennsylvania, identify all entities that had a Pole Attachment Agreement with FirstEnergy and state whether the entity was an ILEC, CLEC, cable company, wireless provider, or other entity. For each entity and each year, describe in detail the pole attachment rent collected from the entity, including whether rent was calculated as a lump sum amount, a net rental amount, a gross rental amount, a deficiency amount, using rental rates, and/or in some other manner. In answering this question, provide (a) the manner for calculating the pole attachment revenue, (b) the rate and/or amount that FirstEnergy charged the entity, (c) the rate and/or amount that FirstEnergy collected from the entity, if different, (d) the number of poles and/or attachments for which pole attachment rent was charged, (e) the total gross rental amount FirstEnergy collected from the entity and, if applicable, (f) the rate and/or amount that applied to FirstEnergy's use of the entity's poles, (g) the number of the entity's poles used by FirstEnergy, and (h) the total net rental amount collected from the entity. Provide all documents concerning FirstEnergy's response to this Request, including all source data and workpapers. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

7. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, describe in detail the method or formula FirstEnergy used to calculate the pole attachment rate(s) it charged cable companies and CLECs. For each pole attachment rate charged, provide FirstEnergy's calculation of the rate and

identify all inputs, assumptions, and source data, the person(s) who calculated the rate, and the date the rate was calculated. To the extent that a rate identified in response to this Request differs from the rate identified in response to Request 1 for the same pole owner and same year, describe in detail the reason for the difference. Provide all documents concerning all calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

8. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide FirstEnergy's state-authorized weighted average cost of capital and/or weighted cost of equity, FirstEnergy's cost of debt, FirstEnergy's cost of equity, and FirstEnergy's capital structure. Identify in your response the formula, calculations, inputs, assumptions, and source data used to determine FirstEnergy's state-authorized weighted average cost of capital and/or weighted cost of equity, FirstEnergy's cost of debt, FirstEnergy's cost of equity, and FirstEnergy's capital structure. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

9. Describe in detail the basis for FirstEnergy's position that "Verizon presented no evidence that the rates it pays exceed cost of service or produce an excessive rate of return." Initial Brief, p. 41. To the extent FirstEnergy contends that FirstEnergy's annual net investment per distribution pole, carrying charge rate, and rate of return for a particular year (as calculated at Verizon Statement 2.0, Exhibit MSC-1 at VZ00059-90) does not evidence FirstEnergy's cost of service and rate of return, describe in detail the basis of FirstEnergy's contention, including all errors FirstEnergy contends exist with Verizon's calculation and all components, inputs, and/or amounts FirstEnergy contends are missing from the calculation.

10. Describe in detail the basis for FirstEnergy’s position that “Verizon has failed to present any evidence on the current cost of equity.” Initial Brief, p. 43. To the extent FirstEnergy contends that FirstEnergy’s cost of equity for a particular year (as set forth at Verizon Statement 2.0, Exhibit MSC-1 at VZ00089-90) does not evidence FirstEnergy’s then-current cost of equity, describe in detail the basis of FirstEnergy’s contention, including all errors FirstEnergy contends exist with the cost of equity set forth at Verizon Statement 2.0, Exhibit MSC-1 at VZ00089-90 and all components, inputs, and/or amounts FirstEnergy contends are missing from such cost of equity.

11. For each year beginning with 2011 for Met-Ed, Penelec, and Penn Power, and for each year beginning with 2024 for FirstEnergy Pennsylvania, state whether FirstEnergy did not charge pole attachment rent for communications provider’s use of entity with facilities attached to its poles and/or whether FirstEnergy did not collect pole attachment rent from (c) Penn Power’s poles, and (d) the amount of pole attachment rent it invoiced. In answering this question, if FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of pole attachment rent, identify the relevant entity and describe for each such entity: (a) whether FirstEnergy’s calculation of the rate invoiced, identify the relevant entity and describe for each such entity: (a) whether FirstEnergy calculated the rate, the person(s) who did not charge pole attachment rent and/or did not collect the full amount of pole attachment rent, and (b) why FirstEnergy has not calculated a rate using the formula “ $RR = E + ROR(RB)$ ,” identify all inputs and source data required to calculate the rate. Provide all documents concerning the calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

12. To the extent not previously produced, provide FirstEnergy’s Pole Attachment Agreements.

13. State each and every instance since 2009 in which FirstEnergy identified a reduction in pole attachment revenue as a reason for increasing the rates it charges its electric

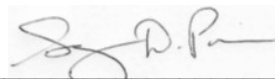
customers in a base rate proceeding filed by FirstEnergy under 66 Pa.C.S. § 1308(d). Describe in detail each such instance, including (a) the docket number for the base rate proceeding; (b) how much less FirstEnergy collected in annual pole attachment revenue, from whom, and when; (c) when and how much FirstEnergy sought to increase the rates it charges its electric customers on a gross and per-customer basis because of FirstEnergy's collection of less annual pole attachment revenue; and (d) the result of FirstEnergy's request, including whether and, if so, what increase to the rates FirstEnergy charges its electric customers was authorized by the Public Utility Commission and the impact of that increase on a per-customer basis. Identify and provide all documents related to each base rate proceeding that reference FirstEnergy's claim that a reduction in pole attachment revenue is a reason for increasing the rates FirstEnergy charges its electric customers, including all filings made and all documents issued, exchanged, or produced by any entity in the base rate proceeding. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

14. State each and every instance since 2009 in which FirstEnergy was expressly required by the Public Utility Commission to refund amounts to any entity. Describe in detail each such refund, including (a) the docket number in which the refund was required; (b) how much FirstEnergy was required to refund, why, to, whom, and when; (c) whether, and if so, when and by how much FirstEnergy sought to increase the rates it charges its electric customers on a gross and per-customer basis because of the refund; and (d) whether and, if so, what increase to the rates FirstEnergy charges its electric customers was authorized by the Public Utility Commission and the impact of that increase on a per-customer basis. Identify and provide all filings at the Commission that reference the refund and/or a rate increase authorized by the

Public Utility Commission because of the refund. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

15. Identify and describe in detail all Field Audits that FirstEnergy has conducted in the Met-Ed, Penelec, Penn Power and/or FirstEnergy Pennsylvania service territories since 2019, including all anticipated Field Audits identified in response to Request 7 of Verizon's Second Set of Interrogatories and Requests for Production of Documents. Provide all documents concerning the Field Audits, including all documents governing the Field Audit, all documents communicating about the Field Audit with entities attached FirstEnergy's poles, all data collected in the Field Audit, the methods used to collect the data, the rules and standards governing the collection of data, and the minimum required accuracy rate of the data collected. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

16. Identify and provide all documents, workpapers, reports, and analyses FirstEnergy's Supplemental Witnesses consider or rely upon in preparing Supplemental Testimony.



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Counsel for  
Verizon Pennsylvania LLC and  
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Dated: April 15, 2026

## **Appendix B**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Verizon Pennsylvania LLC and Verizon North LLC,	:	
	:	
	:	
Complainants	:	
	:	
v.	:	Docket No. C-2020-3019347
	:	
Metropolitan Edison Company, Pennsylvania Electric Company, and Pennsylvania Power Company,	:	
	:	
	:	
Respondents	:	

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**OBJECTIONS OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY TO THE  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF  
VERIZON PENNSYLVANIA LLC AND VERIZON NORTH LLC – SET IV**

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Pursuant to 52 Pa. Code §§ 5.342(c) and 5.349(d), FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”),<sup>1</sup> by and through its attorneys, hereby serves these objections to the fourth set of interrogatories and requests for production of documents of Verizon Pennsylvania LLC (“Verizon Pennsylvania”) and Verizon North LLC (“Verizon North”) (collectively, “Verizon”) served on April 15, 2026 (“VZ to FE PA Set IV”).

FE PA objects to VZ to FE PA Set IV, Nos. 1-4, 6-8, 11-12, 14, and 16. As explained herein, the grounds for such objections are that one or more of these requests call for a special study or analysis, are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seek privileged information and materials, ask for drafts of

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<sup>1</sup> On December 7, 2023, the Pennsylvania Public Utility Commission (“Commission”) entered an Order at Docket Nos. A-2023-3038771, et al. approving, among other things, the merger of Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) into FE PA with FE PA as the surviving entity. Therefore, FE PA submits that all references to the three prior respondents in this matter should, instead, be made to FE PA as their successor in interest.

testimony and exhibits, and seek disclosure of facts and opinions held by expert witnesses prior to the service of their direct testimony in accordance with the litigation schedule.

In support, FE PA states as follows:

**I. SPECIFIC OBJECTIONS**

**A. OBJECTIONS TO VZ TO FE PA SET IV, NO. 1**

1. VZ to FE PA Set IV, No. 1 requests the following:

1. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide the New Telecom Rate for a communications provider's use of one foot of space on (a) Met-Ed's poles, (b) Penelec's poles, (c) Penn Power's poles, and (d) FirstEnergy Pennsylvania's poles. In answering this question, provide for each New Telecom Rate FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated a New Telecom Rate, provide all inputs and identify all source data required to calculate the rate. Provide all documents concerning all calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

2. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

3. FE PA has four rate divisions, each of which corresponds to one of the former Pennsylvania utility operating companies that were merged to create FE PA: Met-Ed, Penelec, Penn Power, and West Penn.

4. The instant proceeding, however, only involves three of those rate divisions, namely the Met-Ed, Penelec, and Penn Power Rate Divisions.

5. As posited, VZ to FE PA Set IV, No. 1 requests information about the "New Telcom Rate for a communications provider's use of one foot of space" on "FirstEnergy Pennsylvania's poles," which would encompass West Penn Rate Division's rates and poles.

6. Therefore, by requesting this information about the West Penn Rate Division, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

**B. OBJECTIONS TO VZ TO FE PA SET IV, NO. 2**

7. VZ to FE PA Set IV, No. 2 requests the following:

2. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide:

(a) the rental or deficiency rate that FirstEnergy contends applies to Verizon's use of FirstEnergy's poles under the Joint Use Agreements and, if different, the rental or deficiency rate that FirstEnergy charged Verizon;

(b) the number of FirstEnergy poles governed by the Joint Use Agreements that FirstEnergy contends have Verizon facilities attached;

(c) the number of deficiency poles owned by Met-Ed that FirstEnergy contends are subject to a deficiency rate under the Joint Use Agreements;

(d) the rental rate that FirstEnergy contends applies to FirstEnergy's use of Verizon's poles under the Joint Use Agreements and, if different, the rental rate reflected in a rental invoice issued by FirstEnergy; and

(e) the number of Verizon poles governed by the Joint Use Agreements that FirstEnergy contends have FirstEnergy facilities attached.

In answering this question, provide for each rental or deficiency rate FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated the rental or deficiency rate that it contends applies to Verizon's use of FirstEnergy's poles and/or the rental rate that FirstEnergy contends applies to FirstEnergy's use of Verizon's poles under the Joint Use Agreements, provide all inputs and identify all source data required to calculate the rate. Provide all documents concerning all rate calculations and inputs, including all source data, if they are not publicly available. Separately present the

information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

8. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

9. As explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

**C. OBJECTIONS TO VZ TO FE PA SET IV, NO. 3**

10. VZ to FE PA Set IV, No. 3 requests the following:

3. For each year beginning with 2011 for Met-Ed, Penelec, and Penn Power, and with 2024 for FirstEnergy Pennsylvania, state whether FirstEnergy did not charge pole attachment rent to any entity with facilities attached to its poles and/or whether FirstEnergy did not collect the full amount of pole attachment rent it invoiced. In answering this question, if FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of pole attachment rent it invoiced, identify the relevant entity and describe for each such entity: (a) whether FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of invoiced pole attachment rent; (b) the rental years for which FirstEnergy did not charge pole attachment rent and/or did not collect the full amount of invoiced pole attachment rent; (c) the amount of pole attachment rent FirstEnergy contends that it did not charge and/or did not collect; (d) the reason why FirstEnergy did not charge and/or collect pole attachment rent; (e) how FirstEnergy treated the unbilled or uncollected revenue in a base rate proceeding filed by FirstEnergy under 66 Pa.C.S. § 1308(d), and (f) the docket number for the base rate proceeding. Identify and provide all non-privileged documents concerning FirstEnergy's treatment of the unbilled or uncollected revenue in a base rate proceeding. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

11. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

12. As explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Also, this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence due to its expansive temporal scope.

14. Verizon's discovery request would require FE PA to review an extensive amount of records and documents for all the attachers to its facilities for the Met-Ed, Penelec, and Penn Power Rate Divisions for the past 15 years, and then compile such information in the manner requested by Verizon.

15. Consequently, due to the expansive temporal scope of this request and the amount of records implicated by it, the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

**D. OBJECTIONS TO VZ TO FE PA SET IV, NO. 4**

16. VZ to FE PA Set IV, No. 4 requests the following:

4. Identify and provide all non-privileged documents concerning FirstEnergy's view of the potential impact of this Litigation, including the potential impact of the relief sought by this Litigation, on the rates FirstEnergy charges its customers, and all documents concerning or reflecting the position taken by any other entity, including the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission and the Office of Consumer Advocate ("OCA"), concerning the potential impact of this Litigation, including the potential impact of the relief sought by this Litigation, on the rates FirstEnergy charges its customers. Include with your response unredacted copies of all documents related to Pennsylvania Public Utility Commission docket R-2024-3047068 that reference this Litigation, including all filings made and all documents issued, exchanged, or produced by any entity, including FirstEnergy. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

17. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

18. All the public filings, testimony, and exhibits that were submitted in FE PA's 2024 Rate Case at Docket No. R-2024-3047068 are publicly available on the Commission's online docket for the proceeding at <https://www.puc.pa.gov/docket/R-2024-3047068>.

19. FE PA objects to the extent that this request would require the Company to assemble and produce any of the documents that are publicly available at that docket.

20. Verizon is more than capable of filtering through those documents and identifying which of those fall within the scope of its request.

21. Furthermore, the unredacted copies of any filings and testimony, as well as any discovery responses and any documents exchanged in discovery, were the subject of a Protective Order issued on August 15, 2024, in that case.

22. As those materials were the subject of a Protective Order issued in that proceeding, a Protective Order must be entered in this case before the Company can produce such materials.

**E. OBJECTIONS TO VZ TO FE PA SET IV, NO. 6**

23. VZ to FE PA Set IV, No. 6 requests the following:

6. To the extent not previously produced, for each year beginning with 2009 for Met-Ed and Penelec, for each year beginning with 1999 for Penn Power, and for each year beginning with 2024 for FirstEnergy Pennsylvania, identify all entities that had a Pole Attachment Agreement with FirstEnergy and state whether the entity was an ILEC, CLEC, cable company, wireless provider, or other entity. For each entity and each year, describe in detail the pole attachment rent collected from the entity, including whether rent was calculated as a lump sum amount, a net rental amount, a gross rental amount, a deficiency amount, using rental rates, and/or in some other manner. In answering this question, provide (a) the manner for calculating the pole attachment revenue, (b) the rate and/or amount that FirstEnergy charged the entity, (c) the rate and/or amount that FirstEnergy collected from the entity, if different, (d) the number of poles and/or attachments for which pole attachment rent was

charged, (e) the total gross rental amount FirstEnergy collected from the entity and, if applicable, (f) the rate and/or amount that applied to FirstEnergy's use of the entity's poles, (g) the number of the entity's poles used by FirstEnergy, and (h) the total net rental amount collected from the entity. Provide all documents concerning FirstEnergy's response to this Request, including all source data and workpapers. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

24. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

25. As explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

26. Additionally, this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence due to its expansive temporal scope.

27. Verizon's request would require FE PA to compile extensive information and documents for every year going back 27 years for the Penn Power Rate Division and 17 years for the Met-Ed and Penelec Rate Divisions.

28. Information and documents dating back decades for any "Pole Attachment Agreement with FirstEnergy" and any "ILEC, CLEC, cable company, wireless provider, or other entity" is not relevant to the matters in dispute, nor is it reasonably calculated to lead to the discovery of admissible evidence.

29. Finally, FE PA notes that information and documents requested in this discovery request are confidential and competitively-sensitive.

30. The Company reserves the right to seek a Protective Order to protect against the unwarranted public disclosure of such information and documents should this request be permitted in full or in part.

**F. OBJECTIONS TO VZ TO FE PA SET IV, NO. 7**

31. VZ to FE PA Set IV, No. 7 requests the following:

7. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, describe in detail the method or formula FirstEnergy used to calculate the pole attachment rate(s) it charged cable companies and CLECs. For each pole attachment rate charged, provide FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data, the person(s) who calculated the rate, and the date the rate was calculated. To the extent that a rate identified in response to this Request differs from the rate identified in response to Request 1 for the same pole owner and same year, describe in detail the reason for the difference. Provide all documents concerning all calculations and inputs, including all source data, if they are not publicly available. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

32. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

33. As explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

34. The Company also reserves the right to seek a Protective Order to protect against the unwarranted public disclosure of any confidential or competitively-sensitive information and documents should this request be permitted in full or in part.

**G. OBJECTIONS TO VZ TO FE PA SET IV, NO. 8**

35. VZ to FE PA Set IV, No. 8 requests the following:

8. For each year beginning with 2020 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, provide FirstEnergy's state-authorized weighted average cost of capital and/or weighted cost of equity, FirstEnergy's cost of debt, FirstEnergy's cost of equity, and FirstEnergy's capital structure. Identify in your response the formula, calculations, inputs, assumptions, and source data used to determine FirstEnergy's state-

authorized weighted average cost of capital and/or weighted cost of equity, FirstEnergy's cost of debt, FirstEnergy's cost of equity, and FirstEnergy's capital structure. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

36. FE PA objects to this request on the grounds that it calls for a special study or analysis and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

37. As explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

38. Additionally, this is a complaint proceeding, not a rate proceeding.

39. As such, discovery cannot be used to require the answering party to conduct a special study or analysis. *See* 52 Pa. Code § 5.361(b).

40. Therefore, FE PA objects to the extent that the request calls for the Company to perform a special study or analysis.

#### **H. OBJECTIONS TO VZ TO FE PA SET IV, NO. 11**

41. VZ to FE PA Set IV, No. 11 requests the following:

11. For each year beginning with 2019 for Met-Ed, Penelec, and Penn Power, and each year beginning with 2024 for FirstEnergy Pennsylvania, identify the rate for a communications provider's use of one foot of space on (a) Met-Ed's poles, (b) Penelec's poles, (c) Penn Power's poles, and (d) FirstEnergy Pennsylvania's poles using the formula " $RR = E + ROR(RB)$ " that is referenced on page 42 of FirstEnergy's Initial Brief. For each rate, provide FirstEnergy's calculation of the rate and identify all inputs, assumptions, and source data used to calculate the rate, the person(s) who calculated the rate, and the date the rate was calculated. If FirstEnergy has not calculated a rate using the formula " $RR = E + ROR(RB)$ ," identify all inputs and source data required to calculate the rate. Provide all documents concerning the calculations and inputs, including all source data, if they are not publicly available. Separately present the

information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania.

42. FE PA objects to this request on the grounds that it calls for a special study or analysis and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

43. As explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

44. Furthermore, this is a complaint proceeding, not a rate proceeding.

45. As such, discovery cannot be used to require the answering party to conduct a special study or analysis. *See* 52 Pa. Code § 5.361(b).

46. Therefore, FE PA objects to the extent that the request calls for the Company to perform a special study or analysis.

**I. OBJECTIONS TO VZ TO FE PA SET IV, NO. 12**

47. VZ to FE PA Set IV, No. 12 requests the following:

12. To the extent not previously produced, provide FirstEnergy's Pole Attachment Agreements.

48. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

49. As defined in the Instructions accompanying VZ to FE PA Set IV, "Pole Attachment Agreements" means "an agreement between FirstEnergy and any entity for use of space on FirstEnergy's poles and includes, without limitations, Joint Use Agreements and License Agreements."

50. This remand proceeding is limited in scope to the Joint Use Agreements in place between Verizon and FE PA's Met-Ed, Penelec, and Penn Power Rate Divisions and the rates under those agreements.

51. An inquiry into and production of every "Pole Attachment Agreement" for FE PA is far beyond the scope of this proceeding.

52. In fact, the request encompasses any agreement governing the attachment of facilities to FE PA's poles, including those entities that are not similarly-situated to Verizon, which is an Incumbent Local Exchange Carrier ("ILEC").

53. Furthermore, as explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

54. The Company also reserves the right to seek a Protective Order to protect against the unwarranted public disclosure of any confidential or competitively-sensitive information and documents should this request be permitted in full or in part.

**J. OBJECTIONS TO VZ TO FE PA SET IV, NO. 14**

55. VZ to FE PA Set IV, No. 14 requests the following:

14. State each and every instance since 2009 in which FirstEnergy was expressly required by the Public Utility Commission to refund amounts to any entity. Describe in detail each such refund, including (a) the docket number in which the refund was required; (b) how much FirstEnergy was required to refund, why, to, whom, and when; (c) whether, and if so, when and by how much FirstEnergy sought to increase the rates it charges its electric customers on a gross and per-customer basis because of the refund; and (d) whether and, if so, what increase to the rates FirstEnergy charges its electric customers was authorized by the Public Utility Commission and the impact of that increase on a per-customer basis. Identify and provide all filings at the Commission that reference the refund and/or a rate increase authorized by the Public Utility Commission because of the refund. Separately present the information for poles owned by Met-Ed, Penelec, Penn Power, and FirstEnergy Pennsylvania, if possible.

56. FE PA objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

57. As explained in Section I.A., *supra*, which is incorporated by reference herein, discovery into the West Penn Rate Division is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

58. In addition, Verizon's request asks for extensive information, stretching back over 17 years, for "each and every instance . . . in which FirstEnergy was expressly required by the Public Utility Commission to refund amounts to any entity."

59. As written, Verizon's request would encompass any Commission proceeding, including *pro se* customer complaints, where FE PA was directed to issue a refund to an entity.

60. Such refunds have no bearing on the instant proceeding, which involves pole attachment agreements and rates.

61. Nevertheless, FE PA would be willing answer this request if the scope were limited to the past 10 years and to refunds involving pole attachment rates.

**K. OBJECTIONS TO VZ TO FE PA SET IV, NO. 16**

62. VZ to FE PA Set IV, No. 16 requests the following:

16. Identify and provide all documents, workpapers, reports, and analyses FirstEnergy's Supplemental Witnesses consider or rely upon in preparing Supplemental Testimony.

63. FE PA objects to this request to the extent that it seeks privileged information and materials, asks for drafts of testimony and exhibits, and seeks disclosure of facts and opinions held by expert witnesses prior to the service of their direct testimony in accordance with the litigation schedule.

64. First, FE PA objects to the extent that the request asks for information and materials that are privileged, including those information and materials that are protected by the attorney-client privilege and attorney work product doctrine.

65. Matters that are privileged are shielded from discovery by the Commission's regulations. *See* 52 Pa. Code §§ 5.321(c), 5.361(a).

66. Further, Section 5.323(a) of the Commission's regulations states, "The discovery may not include disclosure of the mental impressions of a party's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories." 52 Pa. Code § 5.323(a).

67. Section 5.323(a) also provides, in pertinent part, that "[w]ith respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his mental impressions, conclusions or opinions respecting the value or merit of a claim or defense or respecting strategy, tactics or preliminary or draft versions of written testimony or exhibits, whether or not final versions of the testimony or exhibits are offered into evidence." *Id.*

68. Thus, discovery is not permitted into legal opinions of the Company's attorneys that are protected by attorney-client privilege and the attorney work product doctrine, nor the mental impressions, conclusions, or opinions of a non-attorney representative of a party's mental impressions, conclusions, or opinions about a claim or defense or regarding strategy or tactics.

69. Second, FE PA objects to the extent that the request seeks any drafts of testimony or exhibits.

70. As noted previously, Section 5.323(a) of the Commission's regulations prohibits the discovery of such materials, stating, "[w]ith respect to the representative of a party other than the party's attorney, discovery may not include . . . preliminary or draft versions of written

testimony or exhibits, whether or not final versions of the testimony or exhibits are offered into evidence.” 52 Pa. Code § 5.323(a).

71. Third, FE PA objects to the extent that the request would require the disclosure of facts and opinions held by expert witnesses prior to the service of their direct testimony in accordance with the litigation schedule.

72. Section 5.324(a)(1)(ii) of the Commission’s regulations states “[t]hat the other party have each expert so identified state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion,” that “[t]he party answering the interrogatories may file as the answer a report of the expert, have the interrogatories answered by the expert or provide written direct testimony of the expert,” and that “[t]he answer, separate report or testimony shall be signed by the expert and shall be deemed to be provided under oath in accordance with section 333(d) of the act (relating to prehearing procedures).

73. However, the timing of the disclosure of such experts’ facts and opinions is limited by Section 5.324(a)(2) of the Commission’s regulations, which provides:

If the party against whom discovery is sought, under paragraph (1)(ii), responds by the filing of written direct testimony, the response shall be considered timely, regardless of § 5.342 (relating to answers or objections to written interrogatories by a party), if the written direct testimony is served on all parties at least 20 days prior to the date on which the expert is scheduled to testify or in accordance with the schedule for the submission of written testimony established by the presiding officer.

*Id.* § 5.342(a)(2).

74. Under the litigation schedule in this case on remand, FE PA’s written supplemental direct testimony is not due until July 17, 2026.

75. That deadline is at least 20 days before the first day of evidentiary hearings on August 19, 2026.

76. Yet, as written, Verizon's request would force FE PA to disclose the facts and opinions of its experts well before that deadline.

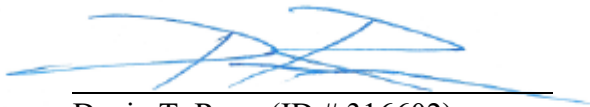
77. Thus, FE PA objects to the extent that this discovery request would require the Company to disclose the facts and opinions held by its expert witnesses before the service of its written supplemental direct testimony on July 17, 2026.

78. For these reasons, FE PA objects to VZ to FE PA Set IV, Nos. 1-4, 6-8, 11-12, 14, and 16 on the grounds that one or more of these requests call for a special study or analysis, are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seek privileged information and materials, ask for drafts of testimony and exhibits, and seek disclosure of facts and opinions held by expert witnesses prior to the service of their direct testimony in accordance with the litigation schedule.

## II. CONCLUSION

WHEREFORE, FirstEnergy Pennsylvania Electric Company respectfully objects to VZ to FE PA Set IV, Nos. 1-4, 6-8, 11-12, 14, and 16, as one or more of these requests call for a special study or analysis, are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seek privileged information and materials, ask for drafts of testimony and exhibits, and seek disclosure of facts and opinions held by expert witnesses prior to the service of their direct testimony in accordance with the litigation schedule. Moreover, FirstEnergy Pennsylvania Electric Company reserves the right to object to future interrogatories, requests for admissions, and requests for production of documents, including any instructions and definitions contained therein.

Respectfully submitted,



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Dated: April 20, 2026

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