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File #: 180259

May 8, 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 No. C-2020-3019347**

Dear Secretary Homsher:

Enclosed for filing is the Answer of FirstEnergy Pennsylvania Electric Company (“FE PA”) to the Motion of Verizon Pennsylvania LLC and Verizon North LLC (collectively, “Verizon”) to Suspend May 18, 2026 Deadline for Supplemental Direct Testimony and Set a Deadline for the Parties to Propose an Amended Procedural Schedule and Request for Expedited Motion Answer Deadline and Ruling in the above-captioned proceeding.

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

Respectfully submitted,



Devin Ryan

DR/bfc

Enclosures

cc: The Honorable John M. Coogan (*via email; with 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).


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Date: May 8, 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  
SUSPEND MAY 18, 2026 DEADLINE FOR SUPPLEMENTAL DIRECT TESTIMONY  
AND SET A DEADLINE FOR THE PARTIES TO PROPOSE AN AMENDED  
PROCEDURAL SCHEDULE AND REQUEST FOR EXPEDITED MOTION ANSWER  
DEADLINE AND RULING**

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TO ADMINISTRATIVE LAW JUDGE JOHN M. COOGAN:

Pursuant to Sections 5.61 and 5.103(c) of the Pennsylvania Public Utility Commission’s regulations, 52 Pa. Code §§ 5.61, 5.103(c), FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”),<sup>1</sup> by and through its attorneys, respectfully files this Answer to the Motion of Verizon Pennsylvania LLC and Verizon North LLC (“Verizon”) to Suspend May 18, 2026 Deadline for Supplemental Direct Testimony and Set a Deadline for the Parties to Propose an

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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.

Amended Procedural Schedule and Request for Expedited Motion Answer Deadline and Ruling (“Motion to Suspend”) in this proceeding.

As set forth herein, Verizon’s Motion to Suspend should be denied because: (1) the issues allegedly affecting Verizon’s ability to prepare its Supplemental Direct Testimony are largely due to its own months-long delay in filing its Motion to Amend and engaging in discovery; (2) Verizon’s Motion to Suspend is premature as it presupposes that Verizon’s Motion to Amend and Motion to Compel will be granted; (3) the alleged “prejudice” experienced by Verizon does not warrant a complete suspension of the litigation schedule; and (4) FE PA would be substantially prejudiced by the granting of Verizon’s Motion to Suspend, as it appears to be a means for Verizon to revert the case back to the FCC later and escape the application of Pennsylvania law, which places the “very heavy burden” to prove the existing pole attachment rates are unjust and unreasonable on Verizon.<sup>2</sup>

For these reasons, and as explained in more detail herein, FE PA respectfully requests that Administrative Law Judge John M. Coogan (“ALJ”) deny Verizon’s Motion to Suspend.

In support thereof, FE PA responds to Verizon’s Motion to Suspend as follows:

**I. INTRODUCTION AND BACKGROUND**

**A. PROCEDURAL HISTORY**

1. FE PA incorporates by reference the Procedural History set forth in its Prehearing Conference Memorandum filed on March 13, 2026.

2. In addition, FE PA notes the following:

3. The prehearing conference was held as scheduled on March 17, 2026.

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<sup>2</sup> See, e.g., *FirstEnergy Pa. Elec. Co. v. Pa. PUC*, 349 A.3d 165, 178, 189 (Pa. 2026) (citations omitted).

4. On March 18, 2026, FE PA filed a Notice of Entry of Appearance for Jessica W. Rhea, Esquire, as additional counsel for FE PA.

5. On March 23, 2026, the Commission issued an In-Person Hearing Notice scheduling in-person evidentiary hearings for August 19-20, 2026. Also on March 23, 2026, the ALJ issued the Scheduling Order.

6. On April 2, 2026, Verizon filed three separate Motions for Admission Pro Hac Vice.

7. On April 9, 2026, Verizon filed its Motion to Amend.

8. On April 15, 2026, Verizon served its Fourth Set of Interrogatories and Requests for Production of Documents (“VZ to FE PA Set IV”).

9. On April 24, 2026, the ALJ issued an Order Granting Motions for Admission Pro Hac Vice.

10. On April 29, 2026, FE PA filed its Answer to the Motion to Amend.

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

12. On May 1, 2026, FE PA served its response to VZ to FE PA Set IV, No. 15 and uploaded that response, including all its attachments, to the OneDrive site established for service of the Company’s discovery responses.

13. On May 4, 2026, FE PA uploaded its responses to VZ to FE PA Set IV, Nos. 1, 2, 5, 9, and 10 to the OneDrive site.

14. On May 5, 2026, Verizon filed its Motion to Suspend, and FE PA filed its Answer to Verizon’s Motion to Compel.

15. On May 6, 2026, FE PA served its responses to VZ to FE PA Set IV, Nos. 4, 7, and 13 and uploaded them to the OneDrive site. Also, the ALJ directed FE PA to file any Answer to

the Motion to Suspend by May 8, 2026. Further, FE PA and Verizon exchanged correspondence, in which FE PA confirmed for Verizon that the responses to VZ to FE PA Set IV, Nos. 1, 2, 5, 9, and 10, which were uploaded the OneDrive site on May 4, 2026, were free for Verizon to review.

16. On May 7, 2026, FE PA filed the letter and certificate of service for its responses to VZ to FE PA Set IV, Nos. 1, 2, 5, 9, and 10.

## **II. ANSWER TO VERIZON'S MOTION TO SUSPEND**

17. Verizon's Motion to Suspend should be denied for several reasons.

18. First, nothing that has occurred warrants Verizon's request to suspend the litigation schedule.

19. Verizon asserts that the litigation schedule should be suspended because: (1) Verizon's Motion to Amend Pole Attachment Complaint ("Motion to Amend") that was filed on April 9, 2026, and has been opposed by FE PA and remains pending; (2) Verizon's Motion to Dismiss and Compel Responses to certain of Verizon's Fourth Set of Interrogatories and Requests for Production of Documents ("Motion to Compel") that was filed on April 30, 2026, and has been opposed by FE PA and remains pending; and (3) FE PA has provided untimely and allegedly incomplete discovery responses to VZ to FE PA Set IV.

20. These issues allegedly affecting Verizon's ability to prepare and submit its Supplemental Direct Testimony are due to Verizon's decision to wait months to file its Motion to Amend and engage in discovery, particularly the expansive discovery in VZ to FE PA Set IV that has required the Company to manually compile and produce hundreds of documents and files.

21. This case was remanded back to the Commission nearly three months ago on February 6, 2026. At any time since then, Verizon could have filed its Motion to Amend or sought to engage in discovery.

22. In fact, with respect to discovery, the Commission’s regulations expressly direct that “[a] party shall initiate discovery as early in the proceedings as reasonably possible.” 52 Pa. Code § 5.331(b).

23. Here, Verizon waited over two months until April 9, 2026, to file its Motion to Amend and waited over two months until April 15, 2026 (i.e., roughly one month before its Supplemental Direct Testimony is due) to propound its first set of discovery requests on remand. Had Verizon promptly taken action in either of those respects, the parties would not be in this position today.

24. Second, Verizon’s Motion to Suspend is premature in that it presupposes that Verizon’s Motion to Amend and Motion to Compel will be granted.

25. FE PA stands by its arguments set forth in its Answers to those Motions as to why they should be denied and will not repeat them here. However, the litigation schedule should not be suspended simply because those Motions are pending, especially, when noted above, Verizon could have filed the Motion to Amend or started engaging in discovery months ago.

26. Third, Verizon’s claimed “prejudice” certainly does not warrant a suspension of the litigation schedule.

27. As noted above, VZ to FE PA Set IV was an expansive set of discovery requests that required the manual compilation and production of hundreds of documents and files due to the scope of Verizon’s requests, and that is only for the ones that FE PA did not object to in whole or in part.

28. FE PA’s responses to the unobjected-to requests and portions thereof in VZ to FE PA Set IV were due by April 30, 2026.

29. FE PA served its response to VZ to FE PA Set IV, No. 15 (complete with and uploaded it to the OneDrive site on May 1, 2026, uploaded its responses to VZ to FE PA Set IV, Nos. 1, 2, 5, 9, and 10 to the OneDrive site,<sup>3</sup> and served its responses to VZ to FE PA Set IV, Nos. 4, 7, and 13 and uploaded them to the OneDrive site on May 6, 2026.

30. As of May 6, 2026, the Company had served its responses to all the unobjected-to discovery requests in VZ to FE PA Set IV.

31. Furthermore, FE PA stands by its objections to VZ to FE PA Set IV for the reasons set forth in its Answer to the Motion to Compel.

32. The Company exercised its right to object to certain of Verizon's discovery requests and took only four additional business days to finish serving its responses to the unobjected-to discovery requests.

33. These reasons are not significant enough to warrant a complete suspension of the litigation schedule, especially when Verizon waited over two months to begin engaging in such excessive discovery on remand.

34. Fourth, Verizon's request to suspend the litigation schedule, if granted, would substantially prejudice FE PA.

35. Verizon's Motion appears to be another effort to transfer the case back to the FCC, as Verizon has tried to do previously, to escape the application of Pennsylvania law and substantially prejudice FE PA.

36. Verizon curiously states in its Motion that "Verizon will not ask the FCC to reassert jurisdiction based on Verizon's own extension request." (Motion to Suspend, p. 9.)

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<sup>3</sup> FE PA notes that on May 6, 2026, Verizon's counsel reached out inquiring about the responses to VZ to FE PA Set IV, Nos. 1, 2, 5, 9, and 10 to see if those responses had been uploaded in error. FE PA confirmed that same day that the responses were not uploaded in error and that the service issue with those responses would be corrected. Accordingly, on May 7, 2026, FE PA filed the letter and certificate of service for those responses.

37. Verizon's commitment is insufficient.

38. At the very least, Verizon's Motion to Suspend appears to be designed for Verizon to request that the FCC reassert jurisdiction for a reason besides its extension request, such as Verizon seeking interlocutory review that results in the Commission not entering a Final Order on remand within 270 days of when the case was remanded.

39. In fact, Verizon states that if its Motion to Amend is denied, "Verizon would still need time to determine whether to seek reconsideration or appeal," which could further delay the adjudication in this matter on remand. (Motion to Suspend, pp. 8-9.)

40. Moreover, Verizon could try to argue that the deadline to take "final action" within the time allotted under 47 U.S.C. § 224(c)(3)(B) and 52 Pa. Code § 77.5(d) is subject matter jurisdictional and, therefore, not waivable. If such argument is successful, it would render hollow any commitment by Verizon not to "ask the FCC to reassert jurisdiction based on Verizon's own extension request." (Motion to Suspend, p. 9.)

41. Although FE PA maintains that the Commission already met its obligation to render a "final action" within the time allotted under 47 U.S.C. § 224(c)(3)(B) and 52 Pa. Code § 77.5(d) and that such deadline does not apply on remand (even if Verizon's Motion to Amend is granted and the Amended Complaint is deemed filed), Verizon appears to believe that the deadline has been or could be retriggered on remand and wants to use its Motion to Suspend as vehicle to open the door for a transfer back to the FCC.

42. Verizon's mischaracterizations of the ALJ's finding that the 270-day deadline has already been met reinforce this concern.

43. In its Motion to Suspend, Verizon alleges that “the presiding officer has **tentatively concluded** that the 270-day deadline for a decision under federal law does not apply to this remand proceeding.” (Motion to Suspend, p. 9) (emphasis added).

44. This claim is not accurate.

45. At the prehearing conference, the ALJ specifically found that the deadline had been met, stating the following:

I don't see that there's any new deadline. I don't see that there's a new 270-day deadline or any other deadline. I think the deadline we were - - in this case that was being dealt with was the 270 - - the original 270-day deadline from the original filing of the complaint, in which the Commission did take action in this matter.

So I don't - - I - - my reading of Commission regulations, FCC regulations, any other authority, I just don't see that we have any drop-dead date where this remand proceeding has to be finished by.

...

But as far as needing to have everything issued by a date certain or else FCC jurisdiction will be reestablished or - - I just don't see that. I mean, I just - - you know, if there was even an argument, I'd want to look more closely into it, but I just don't see that we need to operate under any sort of deadline like that.

(Tr. 12-13.)

46. Verizon's characterization of the ALJ's finding as a “tentative[] conclu[sion]” further reveals how Verizon wants to keep the door open to transferring the case to the FCC. (Motion to Suspend, p. 9.)

47. Therefore, if the litigation schedule is suspended, and the Commission does not enter its Order within 270 days of the date that the case was remanded to the Commission as a result, FE PA expects that Verizon would argue, once again, that the Commission failed to take “final action” pursuant to and within the time permitted under 47 U.S.C. § 224(c)(3)(B) and 52 Pa.

Code § 77.5(d) and renew its request that the FCC reassert jurisdiction over this matter, even though the Commission already met that requirement in the initial phase of this litigation.<sup>4</sup>

48. Verizon also tries to cast aside concerns with a transfer to the FCC by contending that a “transfer of jurisdiction . . . would simply determine who enters the final decision” and, therefore, not prejudice FE PA. (Motion to Suspend, p. 9.)

49. Verizon’s claim has no merit.

50. In actuality, FE PA would be severely prejudiced by a transfer of the case to the FCC.

51. In such a situation, Pennsylvania law would not apply to the issues being adjudicated, and Verizon would no longer have the “very heavy burden” on Verizon to prove that the existing pole attachment rates are no longer just and reasonable. *FirstEnergy Pa. Elec. Co. v. Pa. PUC*, 349 A.3d 165, 178, 189 (Pa. 2026) (citations omitted).

52. Thus, a transfer of the matter would not simply change the decisionmaker. It would fundamentally alter the applicable legal principles, including who bears the burden of proof in this case, all to the detriment of FE PA and the advantage of Verizon.

53. Verizon even acknowledged this fact at the prehearing conference, when its counsel stated that “[i]f [the FCC] took the case, they could apply their regulations and the presumption,” so the FCC “didn’t need to consider those provisions of the Public Utility Code or other arguments.” (Tr. 26.)

54. For these reasons, FE PA respectfully requests that the ALJ deny Verizon’s Motion to Suspend.

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<sup>4</sup> See *In the Matter of Verizon Pa. LLC & Verizon North LLC v. Metro. Edison Co., Pa. Elec. Co., & Penn Power Co.*, Proceeding No. 26-44, 2026 FCC LEXIS 530, at \*5-11 (FCC Mar. 11, 2026).

### III. CONCLUSION

WHEREFORE, FirstEnergy Pennsylvania Electric Company respectfully requests that the Motion of Verizon Pennsylvania LLC and Verizon North LLC to Suspend May 18, 2026 Deadline for Supplemental Direct Testimony and Set a Deadline for the Parties to Propose an Amended Procedural Schedule and Request for Expedited Motion Answer Deadline and Ruling be denied as set forth above.

Respectfully submitted,



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Dated: May 8, 2026

*Counsel for FirstEnergy Pennsylvania Electric Company,  
f/k/a Metropolitan Edison Company, Pennsylvania Electric  
Company, and Pennsylvania Power Company*

**VERIFICATION**

I, Deanna DeWitt, Manager Joint Use & Cable Locating of FirstEnergy Service Company, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 8, 2026

Signed by:  
*Deanna DeWitt*  
F16B8E6DF85041B...  
Deanna DeWitt