

**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	:	

REMAND PREHEARING ORDER #3
*Granting in Part and Denying in Part
Verizon’s Motion to Suspend*

On November 19, 2019, Verizon Pennsylvania LLC and Verizon North LLC (Verizon) filed a Pole Attachment Complaint (Complaint) against Metropolitan Edison Company, Pennsylvania Electric Company, and Penn Power Company (FE PA) with the Federal Communications Commission (FCC). On March 23, 2020, the FCC issued a Transfer Order, transferring the proceeding concerning Verizon’s Complaint to the Pennsylvania Public Utility Commission (Commission).

On December 18, 2020, the Commission issued an Opinion and Order, granting in part and denying in part Verizon’s Complaint. On April 15, 2021, the Commission issued an Opinion and Order, denying Verizon’s Petition for Partial Reconsideration of the Commission’s December 18, 2020 Opinion and Order.

On September 21, 2023, the Pennsylvania Commonwealth Court issued an Opinion and Order affirming the Commission’s April 15, 2021 Opinion and Order.

On January 8, 2026, the Pennsylvania Supreme Court issued an Opinion, vacating the Commonwealth Court’s Order dated September 21, 2023, and remanded to the Commonwealth Court to remand to the Commission for further proceedings consistent with the

Pennsylvania Supreme Court's Opinion. On January 30, 2026, the Commonwealth Court remanded to the Commission for further proceedings consistent with the Pennsylvania Supreme Court's Opinion.

Consistent with the remand directives to hold further proceedings in this matter, on February 17, 2026, the Commission issued a Further Call-In Telephonic Prehearing Conference Notice, setting this proceeding for a Prehearing Conference on March 17, 2026 at 10:00 a.m. On February 17, 2026 and in accordance with the provisions of 66 Pa.C.S. §333 and 52 Pa.Code §§5.221-5.223, a Prehearing Conference Order was issued outlining various procedural matters to be addressed at the Prehearing Conference.

In response to the Prehearing Conference Order, the parties submitted prehearing memoranda outlining their respective positions on various procedural matters. The Prehearing Conference convened on March 17, 2026, as scheduled. Counsel appeared on behalf of the parties. During the conference, various procedural matters were discussed. On March 23, 2026, a Scheduling Order was issued, setting forth the procedural matters addressed during the Prehearing Conference, as well as further directions to the parties concerning the remand phase of this proceeding.

On May 5, 2026, Verizon filed a Motion 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 (Motion to Suspend).

On May 6, 2026, I sent an e-mail to counsel for FE PA, setting May 8, 2026 as the deadline to file a response to the Motion to Suspend.

On May 8, 2026, FE PA filed an Answer to FE PA's Motion to Suspend.

DISCUSSION

On March 23, 2026, I issued a Scheduling Order, which, among other things, set forth the litigation schedule in this proceeding, including the due dates for submission of written testimony. This litigation schedule was established at the March 17, 2026 Prehearing Conference. The Prehearing Conference was held and the litigation schedule was established pursuant to my authority at 52 Pa. Code §§ 5.222 and 5.223.

Verizon's Supplemental Direct Testimony is due May 18, 2026. In its Motion to Suspend, Verizon requests the suspension of the Supplemental Direct Testimony deadline, and the setting of a deadline for the parties to propose a new procedural schedule. Verizon avers such action is necessary given Verizon's pending motions and the need for FE PA to produce the discovery it has not objected to and any discovery it is compelled to provide. Alternatively, Verizon requests that it be provided until at least July 31, 2026 to serve its Supplemental Direct Testimony. Motion to Suspend, ¶ 1.

Commission regulations allow motions, and motions may make a request for relief. 52 Pa. Code §§ 5.1(a)(6), 5.103(a). Rulings of a presiding officer made at a prehearing conference will control the subsequent course of the hearing, unless modified for good cause shown. 52 Pa. Code § 5.223(a). The Commission has recognized the Pennsylvania Supreme Court's definition of good cause as "conduct which is reasonable under all the circumstances, thereby justifying the [c]laimant's actions." *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered November 4, 2020); *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, 1992 Pa. PUC LEXIS 56 (Pa. P.U.C. 1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 351 A.2d 631 (Pa. 1976)).

Additionally, Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a).

FE PA opposes Verizon's Motion to Suspend. FE PA states that the issues 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. Additionally, FE PA states that the Motion to Suspend is premature, a complete suspension of the litigation is not warranted, and FE PA would be substantially prejudiced by the granting of the Motion to Suspend as it appears to be a means for Verizon to revert the case back to the FCC. Answer at 1.

Remand Prehearing Order # 1 and Remand Prehearing Order # 2 are being issued contemporaneously with this order. In Remand Prehearing Order #1, Verizon's Motion to Amend Pole Attachment Complaint (Motion to Amend) will be denied.

However, in Remand Prehearing Order # 2, Verizon's Motion to Dismiss FirstEnergy's Objections and Compel Responses to Verizon's Fourth Set of Interrogatories and Requests for Production of Documents (Motion to Compel) will be granted. Because Verizon's Motion to Compel will be granted, I find some merit Verizon's argument that it should be granted an extension of time to submit its Supplemental Direct Testimony. However, I will only grant a limited extension of time. Verizon Supplemental Direct Testimony will be due by June 1, 2026. I do not believe any further extension of time, or an outright suspension of the procedural schedule, is merited. The Motion to Amend will not be granted, and therefore additional time is not required to address amended pleadings and any possible disruptions to the procedural schedule. As directed in Prehearing Order # 2, FE PA will be directed to produce outstanding responses to discovery by May 18, 2026. Although Verizon states it will not ask the FCC to reassert jurisdiction based on its extension request, my goal still is to have an expeditious remand proceeding.¹

¹ FE PA correctly notes that my opinion that the 270-day deadline does not apply to this proceeding is not tentative. The purpose of my raising the issue at the prehearing conference was to solicit feedback regarding the parties' positions.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Verizon Pennsylvania LLC and Verizon North LLC's Motion 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 is granted in part and denied in part consistent with the above discussion.

2. That the Scheduling Order issued on March 23, 2026 is amended to extend the due date for service of Verizon Supplemental Direct Testimony from May 18, 2026, to June 1, 2026.

Date: May 11, 2026

/s/
John M. Coogan
Administrative Law Judge

**C-2020-3019347 - VERIZON PENNSYLVANIA LLC AND VERIZON NORTH LLC v.
METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY AND
PENN POWER COMPANY**

(Revised 03/19/2026)

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