

**BEFORE  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Armstrong Telecommunications, Inc.	:	
	:	
v.	:	C-2026-3062601
	:	(RBAT Accelerated Docket)
FirstEnergy Pennsylvania Electric Company	:	

**ORDER**  
**DIRECTING TIME FOR FILING ANSWER, DIRECT**  
**TESTIMONY AND SCHEDULING PREHEARING CONFERENCE**

On May 21, 2026, pursuant to the Commission’s Order at *Adoption of Federal Communications Commission Regulations Pursuant to 52 Pa. Code § 77.4*, Docket No. L-2018-3002672 (Implementation Order entered Jan. 8, 2025) (*Implementation Order*), the Pennsylvania Rapid Broadband Assessment Team (PA-RBAT) preliminarily granted the request submitted by Armstrong Telecommunications, Inc. (Armstrong or Complainant) for expedited review and treatment of its pole attachment dispute between it and FirstEnergy Pennsylvania Electric Company (FE PA or Respondent), and both parties were so notified in writing.

Accordingly, on May 27, 2026, pursuant to the *Implementation Order*, Armstrong filed a Formal Complaint (Complaint) against FE PA and identified this case as having been selected for expedited treatment.<sup>1</sup> On May 28, 2026, the Secretary’s Bureau eServed and emailed the Complaint on Respondent, and this matter was assigned to the undersigned Administrative Law Judges (ALJs) to preside over this matter.

**Pursuant to the Commission’s *Implementation Order*, an evidentiary hearing must be held within 40 days following the filing of Complaint, or by July 6, 2026.**

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<sup>1</sup> A certificate of service was attached to the Formal Complaint stating that on May 27, 2026, Armstrong emailed a copy of the Complaint to counsel for Respondent.

Therefore, consistent with the expedited nature of this proceeding as directed by the *Implementation Order*, the parties are hereby directed to comply with the following:

1. **Answer.** Pursuant to 52 Pa. Code § 5.61(a) (relating to time for filing answer to complaints), and consistent with the Secretarial Letter dated May 28, 2026, FirstEnergy Pennsylvania Electric Company is directed to file and serve an Answer and/or any other responsive pleading to the Formal Complaint within five (5) business days after the Commission's service of the Formal Complaint, or no later than 4:30 p.m. on June 4, 2026.

2. **Direct Testimony.** Armstrong Telecommunications, Inc. shall serve its direct testimony no later than one business day after the filing of the Formal Complaint, or no later than May 28, 2026, consistent with its representation made to the PA-RBAT.

3. **Prehearing Conference.** Consistent with the separate notice issued on May 28, 2026, a Prehearing Conference is scheduled in this case for June 8, 2026 at 1:00 P.M. To participate in the conference, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the conference.

**CALL-IN INFORMATION**

Toll-free Bridge Number: 1-888-456-5124  
PIN Number: 9563241

You must call into the conference on the scheduled day and time. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference. You will not be called by the ALJs.

4. **Prehearing Conference Memo.** Each party must file and serve, by 4:30 P.M. on June 5, 2026, a Prehearing Conference Memorandum that at minimum sets forth the history of the proceeding, the issues you intend to present, a proposed litigation schedule, and a listing of your proposed witnesses and the subject of their testimony. 52 Pa. Code § 5.222(d). The

proposed litigation schedule should provide a proposal for remaining testimony, evidentiary hearings, and submission of briefs. As stated above, an evidentiary hearing must be held by within 40 days following the filing of Complaint, which is by July 6, 2026. Parties are encouraged to develop a mutually agreeable proposed litigation schedule. All parties must receive copies of the Prehearing Conference Memorandum and the undersigned ALJs should be served a copy by email at [gchiodo@pa.gov](mailto:gchiodo@pa.gov) and [jcoogan@pa.gov](mailto:jcoogan@pa.gov).

5. **Request for Change.** A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties and must be submitted by email to the undersigned ALJs no later than four (4) days prior to the Prehearing Conference. 52 Pa. Code § 1.15(b). Only the undersigned ALJs may grant a request for a change of a prehearing conference. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent prehearing conferences or hearings, if any, should also be served directly on the presiding ALJs. In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled Prehearing Conference.

6. **Prehearing Conference.** Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §§ 5.221-5.223, and in particular, § 5.222(d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(1) The preparation must include submission of a prehearing memorandum and list:

- (i) The presently identified issues.
- (ii) The names and addresses of the witnesses.
- (iii) The proposed area of testimony of each witness.

(2) The preparation may include:

- (i) Development of a proposed procedural schedule.
- (ii) Advance study of all relevant materials.
- (iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

7. **Discovery.** Parties should review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, *inter alia*, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible”. Additionally, 52 Pa. Code § 5.322 encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery, and advise the undersigned ALJs at the prehearing conference as to discovery problems which have not been resolved. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

8. **Discovery modifications.** To expedite this proceeding, discovery shall be conducted according to the Commission’s rules and regulations at 52 Pa. Code § 5.321 *et seq*, subject to the following modifications:

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within five (5) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within one (1) calendar day of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within two (2) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of such motions.

- E. Requests for admissions will be deemed admitted unless answered within five (5) calendar days or objected to within two (2) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within two (2) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after noon on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.
- H. Any deadline that falls on a Saturday, Sunday, or holiday shall be the following business day.

**Any proposed adjustments to the above discovery modifications and further requests for discovery modifications should be presented at the prehearing conference.**

9. **Representation.** Pursuant to 52 Pa. Code §§ 1.21-1.22, if you are an individual, you may represent yourself or you may be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice*. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must be represented in this proceeding by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice*. Unless you are an attorney, you may not represent someone else. Attorneys shall ensure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

10. **Service.** You must serve the presiding ALJs directly with a copy of any document that you file in this proceeding by email at [gchiodo@pa.gov](mailto:gchiodo@pa.gov) and [jcoogan@pa.gov](mailto:jcoogan@pa.gov). If you send the undersigned ALJs any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

11. **Other.** Unless otherwise modified by order, parties are expected to participate in this proceeding in accordance with the Commission's Rules of Practice and procedure at 52 Pa. Code Chapters 1, 3, and 5.

Date: May 28, 2026

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/s/  
Gail M. Chiodo  
Deputy Chief Administrative Law Judge

\_\_\_\_\_  
/s/  
John M. Coogan  
Administrative Law Judge

**C-2026-3062601- ARMSTRONG TELECOMMUNICATIONS INC. v FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY (RBAT ACCELERATED DOCKET)**

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