

Bryce R. Beard
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May 27, 2026

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Armstrong Telecommunications, Inc., v. FirstEnergy Pennsylvania Electric Company
Docket No. C-2026-3062601

Dear Secretary Homsher,

Enclosed for electronic filing is the Formal Complaint of Armstrong Telecommunications, Inc. for the above-referenced matter.

On May 8, 2026, Armstrong filed a request for expedited review of a pole attachment dispute to the Commission's Rapid Broadband Assessment Team ("RBAT") to facilitate expedited dispute resolution between pole owners and attachers as created by the Commission at Docket No. L-2018-3002672. On May 21, 2026, Sharon Rogers of the PA-RBAT instructed Armstrong to file a Formal Complaint with the Secretary's Bureau, identifying the case as having been selected for expedited treatment and using the assigned Docket Number C-2026-3062601. This filing is in response to that specific instruction. The RBAT filing, including all facts and legal allegations plead therein, are incorporated herein by reference as if specifically included in this complaint, and is attached as Attachment A.

Attachment A is considered CONFIDENTIAL and is being submitted under separate cover.

Sincerely,

Bryce R. Beard
Bryce R. Beard

BRB/dmc
Enclosure

cc: Sharon Rodgers (*via email; w/attachment*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of Armstrong's Formal Complaint upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

VIA E-MAIL

Tori L. Giesler, Esquire
Managing Counsel
FirstEnergy Pennsylvania Electric Company
2800 Pottsville Pike
Reading, PA 19612
tgiesler@firstenergycorp.com

Jessica W. Rhea, Esquire
FirstEnergy Pennsylvania Electric Company
341 White Pond Dr.
Akron, OH 44320
jrhea@firstenergycorp.com

Date: May 27, 2026

/s/ Bryce R. Beard

Bryce R. Beard, Esquire

*Counsel for Armstrong Telecommunications,
Inc.*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ARMSTRONG	:	
TELECOMMUNICATIONS, INC.,	:	
	:	
Complainant,	:	
	:	Docket No. C-2026-3062601
v.	:	
	:	
FIRSTENERGY PENNSYLVANIA	:	
ELECTRIC COMPANY,	:	
	:	
Respondents.	:	

NOTICE TO PLEAD

To: FirstEnergy Pennsylvania Electric Company c/o Tori L. Giesler, Esq. Managing Counsel 2800 Pottsville Pike Reading, PA 19612 tgiesler@firstenergycorp.com	Jessica W. Rhea, Esquire 341 White Pond Dr. Akron, OH 44320 jrhea@firstenergycorp.com
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You are hereby notified that above-referenced Complainant, Armstrong Telecommunications, Inc., (“Armstrong”), have filed a Complaint in the above matter. **You may file a responsive pleading within twenty (20) days of the date of service of the Complaint unless otherwise provided in Title 52 of the Pennsylvania Code.**

All pleadings, such as an Answer to the Complaint, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for Armstrong, and where applicable, the Administrative Law Judge presiding over the proceeding.

File with:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
PO Box 3265
Harrisburg, PA 17105-3265
<https://efiling.puc.pa.gov/>

With a copy to:

Norman J. Kennard, Esquire
Bryce Beard, Esquire
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Stephen Pemberton, Esquire
Eckert Seamans Cherin & Mellott, LLC

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spemberton@eckertseamans.com

Date: May 27, 2026

/s/ Bryce R. Beard

Bryce R. Beard, Esquire
*Attorneys for Armstrong Telecommunications,
Inc.*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ARMSTRONG	:	
TELECOMMUNICATIONS, INC.,	:	
	:	
Complainant,	:	
	:	Docket No. C-2026-3062601
v.	:	
	:	
FIRSTENERGY PENNSYLVANIA	:	
ELECTRIC COMPANY,	:	
	:	
Respondents.	:	

**FORMAL COMPLAINT OF ARMSTRONG
TELECOMMUNICATIONS, INC.**

Pursuant to Section 701 of the Public Utility Code, Section 5.21 of the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) regulations, and the instructions of the Commission’s Rapid Broadband Assessment Team (“PA-RBAT”),¹ Armstrong Telecommunications, Inc. (“Armstrong”) files this Formal Complaint against FirstEnergy Pennsylvania Electric Company (“FE PA”) requesting the Commission grant relief to remedy FE PA’s consistent and repeated violations of the various requirements of federal and state law related to pole attachment application processing deadlines, the requirement to provide detailed,

¹ On May 8, 2026 Armstrong filed a request for expedited review of a pole attachment dispute to the Commission’s Rapid Broadband Assessment Team (“RBAT”) to facilitate expedited dispute resolution between pole owners and attachers as created by the Commission at Docket No. L-2018-3002672. On May 21, 2026, Sharon Rogers of the PA-RBAT instructed Armstrong to file a Formal Complaint with the Secretary’s Bureau, identifying the case as having been selected for expedited treatment and using the assigned Docket Number C-2026-3062601. This filing is in response to that specific instruction. The RBAT filing, including all facts and legal allegations plead therein, are incorporated herein by reference as if specifically included in this complaint, and is attached as Attachment A.

itemized make-ready cost estimates, and the express limits established on properly included costs in such make-ready charges.

FE PA is a *de facto* monopoly pole owner and provider of pole attachments in its service territory. These pole attachments are an essential service to Armstrong as it attempts to construct a “last mile” broadband network in Butler County, Pennsylvania under contract with the Pennsylvania Broadband Development Authority (“PBDA”). FE PA’s complete and abject failure to timely and accurately process Armstrong’s pole attachment applications, as required under Commission regulations, is highly damaging to Armstrong and the public. FE PA’s consistent and long delays have precluded the timely construction and operation of Armstrong’s projects under the publicly funded Accessible Broadband for Children Program (“ABC Program”), which will provide broadband to 1,600 unserved and underserved locations in Butler County, including student homes in the Moniteau and Slippery Rock Area School Districts.

In support of this Formal Complaint, Armstrong avers as follows:

I. INTRODUCTION AND BACKGROUND

A. The Parties

1. The complete name and address of Armstrong:

Armstrong Telecommunications, Inc.
c/o David Jamieson, General Counsel and Secretary
One Armstrong Place
Butler, PA 16001

2. The name, address, and contact information for Armstrong’s counsel:

Norman J. Kennard, Esq.
Bryce Beard, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
nkennard@eckertseamans.com
bbeard@eckertseamans.com

Stephen Pemberton, Esq.
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place, 22nd Floor
50 South 16th Street
Philadelphia, PA 19102
spemberton@eckertseamans.com

3. The complete name and address of FE PA:

FirstEnergy Pennsylvania Electric Company
c/o Tori L. Giesler, Esq. Managing Counsel
2800 Pottsville Pike
Reading, PA 19612
tgiesler@firstenergycorp.com

Jessica W. Rhea, Esq.
341 White Pond Dr.
Akron, OH 44320
jrhea@firstenergycorp.com

4. Armstrong is a “telecommunications carrier” as that term is defined for pole attachment purposes. 47 C.F.R. § 1.1402(b); 52 Pa. Code §77.2(b). Armstrong is also a “new attacher” as that term is defined for pole attachment purposes. 47 C.F.R. § 1.1411(a)(2).

5. Armstrong builds, installs, and operates broadband facilities to serve the public using both private and public funds.

6. Armstrong is a customer of FE PA with respect to FE PA’s pole attachment services, which service is regulated by the Commission and subject to the Public Utility Code and Commission’s regulations.

7. FE PA is a “utility” as that term is defined for pole attachment purposes. 47 C.F.R. § 1.1402(a); 52 Pa. Code § 77.2(b).

8. FE PA owns certain pole facilities that are critical to Armstrong’s deployment of broadband in Butler County Pennsylvania and to which Armstrong is entitled to attach by law.

B. Armstrong's Time-Sensitive Projects Under the ABC Program

9. The ABC Program is a \$12.5 million rural broadband deployment project administered by the PBDA through the Broadband Infrastructure Program (“BIP”).

10. Armstrong's ABC Program grant will help fund the construction of 177 miles of middle and last-mile fiber to 1,600 unserved and underserved locations in Butler County, including student homes in the Moniteau and Slippery Rock Area School Districts.

11. Under the terms of its contract with PBDA, Armstrong must complete the project by December 31, 2026.

12. FE PA's prolonged pole attachment processing delays and excessive, un-itemized cost estimates are impeding Armstrong's ability to complete this publicly funded project.

C. FE PA's Delays and Unreasonable Treatment of Armstrong

13. Despite knowledge of the time-sensitive nature of projects being completed under the ABC Program, FE PA has unreasonably and illegally delayed approvals, failed to provide required itemized make-ready estimates and is attempting to impose make-ready costs that are not properly allocated to Armstrong.

14. Between April and September of 2025, Armstrong accurately and completely submitted pole attachment applications to FE PA for the attachments necessary to complete its projects under the ABC Program.

15. The Commission adopted, as its own, Federal Communications Commission (“FCC”) rules that: set clear timelines for application processing; require detailed itemized cost estimates; and impose limitations on cost recovery. FE PA is required to accept an application as complete, grant pole access, complete a survey of the applied for poles (45 days), and issue a detailed itemized estimate of charges to perform all necessary make-ready (14 days). Overall,

within 60 days (2 months) of a completed application, FE PA is required to provide Armstrong with a detailed, itemized statement of make-ready costs for applications that Armstrong has submitted.

16. FE PA has flagrantly violated the processing time frames prescribed by the Commission and has given no indication it will voluntarily come into compliance without forceful Commission intervention.

17. Armstrong has submitted a total of 76 applications to FE PA for the ABC Program. None of these applications have been processed by FE PA in a timely manner. Instead, despite Armstrong's repeated urging, in each instance, FE PA has delayed for many months before presenting make-ready estimates to Armstrong, typically 6 months and, in some cases, as long as 11 months after the original application. For example, several applications made by Armstrong in June 2025 are still pending without any make-ready estimate whatsoever being issued by FE PA.

18. Where provided, FE PA's make-ready estimates are grossly incomplete. By law, FE PA is required to present a detailed, itemized estimate of charges to perform all necessary make-ready. These estimates must include documentation that is sufficient to determine the basis of all estimated charges, including any projected material, labor, and other related costs that form the basis of its estimate. 47 CFR § 1.1411(d); 52 Pa. Code § 77.4(a). No such detail has been provided in FE PA's make-ready estimates. The estimates presented to Armstrong by FE PA consist only of a conclusory total dollar amount, devoid of any underlying costing detail whatsoever, which would permit Armstrong to determine the basis of such charges.

19. Armstrong believes, and therefore avers, that FE PA's make-ready estimates improperly include costs to enhance FE PA's electric infrastructure by establishing arbitrary and

excessive construction policies for pole heights that far exceed the National Electric Safety Code (“NESC”) requirements. This practice has the effect of shifting costs that benefit FE PA’s electric service to attaching telecommunications carriers. Moreover, they constitute a “pre-existing condition” that may not be charged to Armstrong. This is a complete violation of established law and results in unjust and unreasonable attachment charges that harm the public interest and the ABC Program objectives.

20. Deprived of the details necessary to understand FE PA’s make-ready estimates, Armstrong cannot fully evaluate the reasonableness of the estimates and reserves the right to raise future concerns and challenges to FE PA’s costing methodologies. In addition to excessive construction standards being applied to Armstrong’s pole attachments, Armstrong believes, and therefore avers, that other make-ready charges are or may be improperly included in FE PA’s make-ready estimates that have the effect of imposing the costs of preexisting violation remediation of third-party attached facilities upon Armstrong.

D. Armstrong’s Efforts to Resolve this Matter To-Date

21. FE PA has been completely and thoroughly unwilling to meet its statutory obligations to date despite Armstrong’s best efforts to motivate FE PA for over a year.

22. Armstrong has repeatedly met with FE PA to address delays in processing and excessive make-ready estimates for the ABC Project.

23. In October 2025, Armstrong sought help from Congressman Mike Kelly, who connected Armstrong with FirstEnergy’s Vice President of Federal Government Affairs.

24. Thereafter, beginning October 29, 2025, FE PA agreed to biweekly meetings with Armstrong to advance pole-attachment applications. However, processing delays and cost

estimate details have not materially improved as a result, and the violations of law described herein continue.

25. Armstrong has also met with the PBDA, the Governor's Office of Transformation and Opportunity, Pennsylvania House and Senate members and associated staff, and Commission staff seeking FE PA's compliance with the law.

26. As a result of FE PA's unjustified and illegal obstinance, and in order to meet the December 31, 2026 deadline associated with Armstrong's projects under the ABC Program, Armstrong sought relief under the Commission RBAT procedures.

27. On May 21, 2026, the PA-RBAT accepted the matter for expedited treatment and instructed Armstrong to file a Formal Complaint with the Secretary's Bureau.

28. Expedited Commission intervention is needed to break the FE PA log jam harming Armstrong, rural Butler County, the ABC Project, and the public interest. Armstrong's experience suggests that a forceful mandate by the Commission directing FE PA to immediately obey its pole attachment regulations and to fully and fairly complete any outstanding make-ready work is necessary.

E. Harms Caused to Armstrong, the ABC Program, and the Public Interest

29. Harms caused by FE PA's extended application processing delays and the inflated, non-itemized make-ready estimates include: impeded broadband deployment to unserved areas; blocked critical remote learning in the Moniteau and Slippery Rock Area School Districts; wasted taxpayer funds for the ABC Program grant, as well as Armstrong's own capital investment; and potential cessation of funding prior to project completion and federal claw back of dollars meant to assist rural Pennsylvania.

II. Counts of Formal Complaint Against FE PA

A. Count One: Failure to Provide Nondiscriminatory Access to Infrastructure (47 C.F.R. § 1.1403(a); 52 Pa. Code § 77.4(a)).

30. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

31. FE PA has violated the requirements of federal and state law with respect to its mandate to provide nondiscriminatory access to its poles by attachers.

32. Specifically, FE PA has repeatedly violated Section 1.1403(a) of the FCC's regulations, as adopted by the Commission at 52 Pa. Code § 77.4(a), which explicitly requires a utility (FE PA) to provide a telecommunications company (Armstrong) "with nondiscriminatory access to any pole, duct, conduit, or right-of-way" owned or controlled by FE PA. Thus far, all access has been effectively denied.

33. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

B. Count Two: Failure to Determine if Attachment Application is Complete Within Ten Days (47 C.F.R. § 1.1411(c)(1)(i); 52 Pa. Code § 77.4(a)).

34. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

35. FE PA has violated the requirements of federal and state laws and the mandate to determine within 10 business days after receipt of a new attacher's attachment application whether the application is complete.

36. Specifically, FE PA has repeatedly violated Section 1.1411(c)(1)(i) of the FCC's regulations, as adopted by the Commission at 52 Pa. Code § 77.4(a), which explicitly require a

utility (FE PA) to “determine within 10 business days after receipt of a new attacher’s attachment application whether the application is complete and notify the attacher of that decision.” FE PA has failed to meet this deadline in the majority of Armstrong’s applications.

37. Further, Section 1.1411(c)(1)(i) provides that “[i]f the utility does not respond within 10 business days after receipt of the application, or if the utility rejects the application as incomplete but fails to specify any reasons in its response, then the application is deemed complete.” *Id.*

38. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

C. Count Three: Failure to Grant or Deny Access Within 45 Days of Receipt of a Complete Application (47 C.F.R. § 1.1411(c)(2); 52 Pa. Code § 77.4(a)).

39. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

40. FE PA has violated the requirements of federal and state law with respect to its mandate to grant or deny access to its poles within 45 days of receipt of a completed pole attachment application.

41. Specifically, FE PA has repeatedly violated Section 1.1411(c)(2) of the FCC’s regulations, as adopted by the Commission at 52 Pa. Code § 77.4(a), which require FE PA to “respond to the new attacher either by granting access or, consistent with [Section] 1.1403(b), denying access within 45 days of receipt of a complete application to attach facilities to its utility poles.”

42. FE PA has failed to meet this timing requirement on all occasions for Armstrong's ABC Program applications.

43. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

D. Count Four: Failure to Complete Survey of Poles Within 45 Days of Complete Application (47 C.F.R. § 1.1411(c)(3)(i); 52 Pa. Code § 77.4(a)).

44. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

45. FE PA has violated the requirements of federal and state law with respect to its failure to complete a survey of poles for which access has been requested within 45 days of receiving a complete application.

46. Specifically, Section 1.1411(c)(3)(i), as adopted by the Commission at 52 Pa. Code § 77.4(a), requires that FE PA “complete a survey of poles for which access has been requested within 45 days of receipt of a complete application to attach facilities to its utility poles.”

47. FE PA has consistently failed to meet this timing requirement with respect to pole surveys on many occasions.

48. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

E. Count Five: Failure to Provide Detailed, Itemized Make-Ready Estimates on a Pole-By-Pole Basis Within 14 Days of Survey (47 C.F.R. § 1.1411(d); 52 Pa. Code § 77.4(a)).

49. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

50. FE PA has violated the requirements of federal and state law with respect to its failure to provide detailed, itemized make-ready estimates on a pole-by-pole basis within 14 days of the required survey.

51. Specifically, Section 1.1411(d) of the FCC's regulations, as adopted by the Commission at 52 Pa. Code § 77.4(a), requires FE PA to "present to a new attacher a detailed, itemized estimate, on a pole-by-pole basis where requested, of charges to perform all necessary make-ready within 14 days" of the survey required under Section 1.1411(c).

52. FE PA has repeatedly and flagrantly failed to provide sufficiently detailed make-ready estimates on a pole-by-pole basis within the time required by law. Indeed, in all instances of Armstrong pole applications associated with the ABC Program, FE PA has never met this required deadline.

53. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

F. Count Six: Failure to Provide Make-Ready Estimates with Sufficient Detail (47 C.F.R. § 1.1411(d); 52 Pa. Code § 77.4(a)).

54. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

55. FE PA has violated the requirements of federal and state law with respect to its failure to provide detailed itemized estimates of charges to perform all necessary make-ready inclusive of documentation that is sufficient to determine the basis of all estimated charges, including any projected material, labor, and other related costs that form the basis of its estimate.

56. Specifically, Section 1.1411(d), as adopted by the Commission at 52 Pa. Code § 77.4(a), requires FE PA to “provide documentation that is sufficient to determine the basis of all estimated charges, including any projected material, labor, and other related costs that form the basis of its estimate.”

57. In all instances of the Armstrong applications associated with the ABC Program, FE PA has failed to provide any costing detail whatsoever underlying its make-ready estimates as required by law, leaving Armstrong with an inability to determine the basis of the estimated charges.

58. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

G. Count Seven: Impermissibly Charging New Attachers to Bring Out-of-Compliance Poles, Attachments, or Third-Party Equipment into Compliance (47 C.F.R. § 1.1411(e)(4); 52 Pa. Code § 77.4(a)).

59. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

60. FE PA has violated the requirements of federal and state law by imposing charges upon Armstrong, a new attacher, related to the costs of bringing out-of-compliance poles, attachments, or third-party equipment into compliance. With respect of “out-of-compliance” poles, FE PA is imposing construction standards that far exceed NESC standards and other requirements.

61. Specifically, Section 1.1411(e)(4) of the FCC’s rules, as adopted by the Commission at 52 Pa. Code § 77.4(a), states as follows:

A utility may not charge a new attacher to bring poles, attachments, or third-party equipment into compliance with current published

safety, reliability, and pole owner construction standards guidelines if such poles, attachments, or third-party equipment were out of compliance because of work performed by a party other than the new attacher prior to the new attachment.

47 C.F.R. § 1.1411(e)(4).

62. The FCC has interpreted § 1.1411(e)(4) of its rules (as adopted by this Commission) to preclude the inclusion of costs associated with preexisting conditions in a make-ready estimate and collection for such expenses from a new attacher. *See Comcast Cable Communications, LLC v. Appalachian Power Co.*, Memorandum Opinion and Order, FCC 26-6, Proceeding No. 25-330, Bureau ID No. EB- 25-MD-002 (rel. Feb. 5, 2026).

63. FE PA has directly and repeatedly violated the requirements of 47 C.F.R. § 1.1411(e)(4) and 52 Pa. Code § 77.4(a) by attempting to charge Armstrong to bring poles, attachments, and/or third-party equipment into compliance with FE PA's own unreasonable construction standards where the non-compliance was caused by work performed by parties other than Armstrong.

64. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

H. Count Eight: Demanding Payment of Rates that Are Not Just and Reasonable (66 Pa.C.S. § 1301).

65. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

66. FE PA is violating Pennsylvania law by improperly demanding the payment of rates for service that are not just and reasonable and in conformity with regulations and orders of the Commission.

67. Specifically, FE PA’s unsubstantiated and excessive make-ready estimates contravene the mandate of Section 1301 of the Public Utility Code that “[e]very rate made, demanded, or received by any public utility . . . shall be just and reasonable, and in conformity with the regulations or orders of the [C]ommission.”²

68. FE PA’s make-ready estimates are patently unjust, unreasonable, and not in conformance with the regulations and orders of the Commission (which, by incorporation, include the FCC’s regulations).

69. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

I. Count Nine: Failure to Furnish and Maintain Adequate, Efficient, Safe, and Reasonable Service and Facilities (66 Pa.C.S. § 1501).

70. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

71. FE PA is violating Pennsylvania law by failing to furnish and maintain adequate, efficient, safe, and reasonable service and facilities.

72. Specifically, FE PA’s unjustified actions contravene the mandate of Section 1501 of the Public Utility Code, which requires public utilities to “furnish and maintain adequate, efficient, safe, and reasonable service and facilities.”

² The charges that FE PA proposes to include in the make-ready estimates are not tariffed rates, but instead are rates under Section 102 of the Public Utility Code. *See* 66 Pa.C.S § 102 (“Rate. Every individual, or joint fare, toll, charge, rental, or other compensation whatsoever of any public utility, or contract carrier by motor vehicle, made, demanded, or received for any service within this part, offered, rendered, or furnished by such public utility, or contract carrier by motor vehicle, whether in currency, legal tender, or evidence thereof, in kind, in services or in any other medium or manner whatsoever, and whether received directly or indirectly, and any rules, regulations, practices, classifications or contracts affecting any such compensation, charge, fare, toll, or rental.”).

73. FE PA's actions with respect to Armstrong's attachment applications relating to the ABC Program constitute a clear failure by FE PA to provide Armstrong with adequate, efficient, safe, and reasonable service and facilities.

74. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

J. Count Ten: Failure to Make All Necessary and Proper Repairs, Changes, Alterations, Substitutions, Extensions, and Improvements (66 Pa.C.S. § 1501).

75. The allegations of the preceding paragraphs are incorporated herein by reference as if set forth fully herein.

76. FE PA's actions towards Armstrong with respect to its pole attachment applications violate the mandate of Section 1501 of the Public Utility Code, which requires public utilities to "make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public."

77. As a result of this and the various other breaches of its legal duties as set forth in this complaint, the ABC Program is in jeopardy of not being completed by December 31, 2026 with the resulting attendant public and private harms averred herein.

III. CONCLUSION

WHEREFORE, based on the foregoing, Armstrong respectfully requests that the Commission:

1. Order FE PA to immediately complete its review of all pending applications and provide Armstrong with itemized make-ready costs for each, supported by documentation identifying the basis for all charges, including materials, labor, and related costs as required by 47 C.F.R. § 1.1411(e);

2. Direct FE PA to compute its make-ready cost allocations to Armstrong in a manner that results in Armstrong only being charged those costs incurred necessary to cause each pole subject to make-ready to be in compliance with the NESC standards;
3. Direct FE PA to follow the requirements set forth by the FCC regarding pre-existing conditions requiring make-ready work, as set forth in *Comcast Cable Communications, LLC v. Appalachian Power Company*, Memorandum Opinion and Order, FCC 26-6, Proceeding No. 25-330, Bureau ID No. EB- 25-MD-002 (rel. Feb. 5, 2026);
4. Once the make-ready costs are agreed to and paid by Armstrong, order FE PA to immediately make the poles ready for attachment by Armstrong, as soon as possible but no later than sixty (60) days from entry of the Commission's Order;
5. Require FE PA to notify Armstrong of make-ready completion for each application within two (2) business days of the work being complete and authorize Armstrong to attach upon such notice from FE PA;
6. Direct that Armstrong and FE meet to discuss the make-ready invoices that Armstrong believes FE PA is noncompliant with respect to the mandates of this Commission Order. Any unresolved disputes may be brought before the Commission at this docket, which shall remain open for that purpose;
7. Acknowledge that FE PA's unreasonable and unwarranted actions regarding pole attachment applications submitted by Armstrong for the ABC Program are inconsistent with FE PA's obligations as a public utility and that such actions by FE PA have unreasonably harmed and delayed Armstrong; and
8. Grant any other relief the Commission deems just and proper.

Respectfully submitted,

/s/ Norman J. Kennard

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Bryce Beard, Esquire (I.D. No. 325837)
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spemberton@eckertseamans.com

*Counsel for Armstrong Telecommunications,
Inc.*

Date: May 27, 2026

VERIFICATION

I, David Jamieson, am the General Counsel and Secretary of Armstrong Telecommunications, Inc. (“Armstrong”), and I hereby state that the facts set forth in the foregoing Formal Complaint are true and correct to the best of my knowledge, information, and belief, and that I expect Armstrong 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).

Dated: May 27, 2026

/s/ David Jamieson

David Jamieson
General Counsel and Secretary
Armstrong Telecommunications, Inc.

ATTACHMENT A
[REDACTED]*

*Attachment A is considered **CONFIDENTIAL**
and is submitted under separate cover.