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File #: 214162

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

Dear Secretary Homsher:

Enclosed for filing is the Prehearing Conference Memorandum of FirstEnergy Pennsylvania Electric Company ("FE PA") in the above-captioned proceeding.

Copies of this filing are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/bfc

Enclosures

cc: The Honorable Gail M. Chiodo (*via email; with attachments*)  
The Honorable John M. Coogan (*via email; with attachments*)  
Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this filing 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: June 5, 2026



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Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PREHEARING CONFERENCE MEMORANDUM OF  
FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY**

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FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”) hereby submits its Prehearing Conference Memorandum in the above-captioned proceeding pursuant to the Order Directing Time for Filing Answer, Direct Testimony and Scheduling Prehearing Conference issued by Deputy Chief Administrative Law Judge Gail M. Chiodo and Administrative Law Judge John M. Coogan on May 28, 2026, and the Pennsylvania Public Utility Commission's (“Commission”) regulations at 52 Pa. Code §§ 5.221-5.223 and states as follows:

**I. PROCEDURAL HISTORY**

On May 8, 2026, Armstrong Telecommunications, Inc. (“Armstrong” or the “Complainant”) filed a request for expedited review of a pole attachment dispute to the Commission’s Rapid Broadband Assessment Team (“RBAT”) at Docket No. L-2018-3002672. On May 21, 2026, pursuant to the Commission’s Order at *Adoption of Federal Communications Commission Regulations Pursuant to 52 Pa. Code § 77.4*, the Pennsylvania Rapid Broadband Assessment Team (“PA-RBAT”) preliminarily granted the request submitted by Armstrong for expedited review and treatment of its pole attachment dispute between it and FE PA. Both parties

were notified in writing, and PA-RBAT instructed Complainant to file a Formal Complaint with the Secretary's Bureau, identifying the case as having been selected for expedited treatment.

The above-captioned matter was initiated on May 27, 2026, when Armstrong Telecommunications, Inc. filed a Formal Complaint against FE PA. The Formal Complaint alleges, among other things, that FE PA violated Sections 1301 and 1501 of the Public Utility Code, 66 Pa. C.S. §§ 1301, 1501, when it allegedly unreasonably and illegally delayed approvals, failed to provide required itemized make-ready estimates and attempted to impose make-ready costs that are not properly allocated to Armstrong.

FE PA timely filed its Answer to the Formal Complaint on June 4, 2026. FE PA denied the allegations of the Formal Complaint, including the allegations that the timing of FE PA's response to the Complainant's applications constituted illegal and unreasonable delays. The Company also asserted that FE PA provides invoices with per pole costs and detail regarding the tasks required to complete make-ready tasks necessary and that FE PA's design guidelines comply with the National Electric Safety Code ("NESC") clearances.

On or about June 2, 2026, Armstrong propounded Set I Interrogatories ("Set I Discovery") on the Company. The Parties discussed the request via telephone call on June 3, 2026, and FE PA served written objections on June 4, 2026.

By Notice issued May 28, 2026, the parties were informed of a Prehearing Conference to be held on June 8, 2026, before the Honorable Administrative Law Judge John M. Coogan.

## **II. SERVICE OF DOCUMENTS**

FE PA requests that all documents be served on:

Tori L. Giesler (ID # 207742)  
Jessica Rhea (ID # 308217)  
FirstEnergy Service Company  
341 White Pond Drive

Akron, OH 44320  
Phone: 610-921-6658  
E-mail: tgiesler@firstenergycorp.com  
E-mail: jrhea@firstenergycorp.com

Devin T. Ryan (ID # 316602)  
Hayley E. Wilburn (ID # 336055)  
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Erin R. Kawa (ID # 308302)  
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17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
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E-mail: ekawa@postschell.com

FE PA agrees to receive service of documents electronically in this proceeding.

### **III. ISSUES**

FE PA intends to demonstrate that Armstrong has failed to carry its burden of proof that FE PA has violated the Public Utility Code or the Commission's regulations by failing to provide Armstrong with timely approvals and itemized make-ready estimates and by attempting to impose make-ready costs that are not properly allocated to Armstrong. While FE PA has preliminarily identified the following issues, it reserves the right to raise or respond to further issues asserted by Armstrong in any testimony presented in this proceeding.

### **IV. WITNESSES**

FE PA is still evaluating the witnesses it intends to call to rebut Armstrong's allegations and intends to identify its witness(es) by no later than June 10, 2026.

FE PA also reserves the right to call and present additional witnesses to address any issues

that may arise during the course of the proceeding.

**V. PROCEDURAL SCHEDULE**

FE PA proposes the following procedural schedule:

Direct Testimony	May 28, 2026
Prehearing Conference	June 8, 2026
Rebuttal Testimony	June 17, 2026
Surrebuttal Testimony	June 29, 2026
In-Person Evidentiary Hearing (Pittsburgh)	July 1 or 6, 2026
Main Briefs	July 16, 2026
Reply Briefs	July 22, 2026
Recommended Decision	By August 6, 2026
Exceptions	10 days following ALJ Decision
Reply Exceptions	5 days following deadline for Exceptions
Final Order	By October 4, 2026

FE PA continues to work on identifying its witnesses and determining their availability for an evidentiary hearing. However, in the interest of furthering the discussion on the litigation schedule, the Company is tentatively proposing an in-person hearing in Pittsburgh on July 1 or 6, 2026. FE PA believes that an in-person hearing in Pittsburgh is appropriate due to the locations of the parties and their personnel. The Company also is willing to continue working with Armstrong to develop a mutually acceptable litigation schedule.

**VI. DISCOVERY**

FE PA is currently working with Armstrong's counsel to resolve discovery disputes and to provide appropriate production given the limited nature of discovery in RBAT proceedings and is

contemplating a small set of requests to Complainant. FE PA does not propose any modifications to the Commission's discovery regulations at this time. FE PA reserves its rights to propose modifications if the schedule adopted in this proceeding differs from that proposed and contains abbreviated periods between rounds of testimony.

**VII. SETTLEMENT**

The Parties have expressed a willingness to engage in meaningful settlement discussions and will continue to do so as information becomes available to allow discussions to progress.

Respectfully submitted,



Tori L. Giesler (ID # 207742)  
Jessica Rhea (ID # 308217)  
FirstEnergy Service Company  
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Dated: June 5, 2026

*Counsel for FirstEnergy Pennsylvania Electric Company*