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June 5, 2026

**VIA ELECTRONIC FILING**

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

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

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Dear Secretary Homsher,

Enclosed for electronic filing is the Prehearing Memorandum of Armstrong Telecommunications, Inc. for the above-referenced matter. Copies are being provided as indicated on the Certificate of Service.

Sincerely,

*Bryce R. Beard*  
Bryce R. Beard

BRB/dmc  
Enclosure

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

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of Armstrong's Prehearing Memorandum upon the persons listed below in the manner indicated in accordance with the requirements of 52

Pa. Code Section 1.54.

**VIA E-MAIL**

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Dated: June 5, 2026

*/s/ Bryce R. Beard*  
Bryce R. Beard, Esquire

**BEFORE  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PREHEARING MEMORANDUM  
OF ARMSTRONG TELECOMMUNICATIONS, INC.**

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Pursuant to 52 Pa Code § 5.223, the Order Directing Time For Filing Answer, Direct Testimony and Scheduling Prehearing Conference dated May 28, 2026 (“Order”), and in anticipation of the Initial Telephonic Prehearing Conference scheduled before Administrative Law Judges Gail M. Chiodo and John M. Coogan (“ALJs”) on Monday, June 8, 2026, Armstrong Telecommunications, Inc. (“Armstrong”) submits this Prehearing Memorandum.

**I. HISTORY OF PROCEEDING**

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”) granted the request submitted by Armstrong for expedited review and treatment of the pole attachment dispute between it and FirstEnergy Pennsylvania Electric Company (“FE PA”), and both parties were so notified in writing.

On May 27, 2026, pursuant to the instructions of the PA-RBAT, Armstrong filed and served its Formal Complaint (“Complaint”) against FE PA and identified this case as having been selected for expedited treatment.

On May 28, 2026, the Secretary’s Bureau electronically served the Complaint on Respondent, and this matter was assigned to the ALJs to preside over this matter. Also on May 28, 2026, the ALJs issued their “Order Directing Time for Filing Answer, Direct Testimony and Scheduling Prehearing Conference” (“Scheduling Order”). The Scheduling Order mandated the following actions, in chronological order: (1) filing of direct testimony by Armstrong by May 28, 2026; (2) filing of pleadings responsive to the Complaint by FE PA by June 4, 2026; (3) submission of a prehearing conference memo by June 5, 2026; (4) attendance at a prehearing conference on June 8, 2026; and (5) attendance at an in-person evidentiary hearing by July 6, 2026.

On May 28, 2026, Armstrong served its direct testimony and exhibits of Jeremy Jurick (Armstrong St. No. 1) and Adam Alexander (Armstrong St. No 2).

On June 2, 2026, Armstrong served its “Set I” interrogatories and requests for production on FE PA.

On June 4, 2026, FE PA filed objections to Armstrong’s interrogatories and requests for production Set I.

On June 5, 2026, Armstrong filed a Motion for Protective Order to address the claims raised in FE PA’s objections to discovery.

Per the *Implementation Order* and the ALJs’ directive, an evidentiary hearing must take place by July 6, 2026.

## **II. FACTUAL AND LEGAL ISSUES**

Armstrong has presented and will offer evidence relating to the factual and legal issues identified in the Complaint and its Direct Testimony for the evidentiary record, including: (1) the relationship between Armstrong and FE PA; (2) Armstrong’s time-sensitive projects under the Accessible Broadband for Children Program (“ABC Program”); and (3) FE PA’s illegal delays

and unreasonable treatment of Armstrong, and the resultant harms caused to Armstrong, the ABC Program, and the public interest. Armstrong’s complaint narrowly focuses on FE PA’s failure to satisfy its legal duties under federal and state law with respect to its pole attachment application processing.

**III. PROPOSED PROCEDURAL SCHEDULE**

Armstrong proposes the following procedural schedule, and includes the prior procedural items for completeness:

Armstrong PA-RBAT Accepted	Thursday, May 21, 2026
Armstrong Formal Complaint Filed	Wednesday, May 27, 2026
Armstrong Direct Testimony Served	Thursday, May 28, 2026
FE PA’s Answer to Complaint	Thursday, June 4, 2026
Prehearing Conference	Monday, June 8, 2026
FE PA’s Rebuttal Testimony (20 days from Direct)	Wednesday, June 17, 2026
Armstrong Surrebuttal Testimony (12 days from Rebuttal)	Monday, June 29, 2026
Evidentiary Hearings (in-person) (within 40 days of May 27, 2026, per <i>Implementation Order</i> )	July 1 – July 2, 2026 (Wednesday, Thursday)
Main Briefs (as directed by ALJs)	Wednesday, July 15, 2026
Reply Briefs (as directed by ALJs)	Wednesday, July 22, 2026
Recommended Decision (within 35 days of July 2, 2026, per <i>Implementation Order</i> )	<i>By Thursday, August 6, 2026</i>
Exceptions	<i>10 days following ALJs’ Decision</i>
Reply Exceptions	<i>5 days following Exceptions</i>
Final Order (within 130 days of formal complaint, per <i>Implementation Order</i> )	<i>By Sunday, October 4, 2026</i>

Counsel for Armstrong and FE PA discussed scheduling on Friday, June 5, 2026. Armstrong will be prepared to discuss the parties separately proposed schedules during the Prehearing Conference.

#### **IV. PROPOSED WITNESSES AND SUBJECT(S) OF TESTIMONY**

Armstrong already provided the written direct testimony and exhibits of the following witnesses on May 28, 2026:

- **Jeremy Jurick (Armstrong St. No. 1 w/ exhibits):** Testimony addressed Armstrong's projects under the ABC Program and how FE PA's treatment of Armstrong has harmed it, as well as the public interest.
- **Adam Alexander (Armstrong St. No. 2 w/ exhibits):** Testimony addressed the technical aspects of FE PA's treatment of Armstrong's pole attachment applications and why FE PA's actions are unreasonable and unlawful.

Armstrong does not intend to present additional witnesses. However, Armstrong reserves the right to do so as may be necessary to respond to FE PA's testimony and any issues raised by FE PA, including if FE PA calls an outside or in-house expert on a technical issue.

#### **V. DISCOVERY**

Armstrong supports the continuation of the ALJs Discovery Modifications as provided in Paragraph 8 of the Scheduling Order due to the expedited nature of this proceeding. Armstrong issued its Set I interrogatories on FE PA on June 2, 2026 pursuant to the Commission's regulations at 52 Pa. Code § 5.331(b) requiring that parties shall initiate discovery as early as reasonably possible in a proceeding.

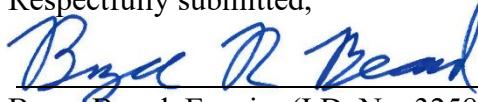
#### **VI. PROTECTIVE ORDER**

On June 4, 2026, FE PA served discovery objections asserting that it would withhold responsive information based on its unilateral designation of that information as proprietary. But a claim of proprietary designation does not, by itself, bar discovery before the Commission. Accordingly, on June 5, 2026, Armstrong filed a Motion for Protective Order. Armstrong respectfully requests that such Motion be granted as soon as possible so that FE PA's production is not delayed by its proprietary-designation objections.

**VII. SETTLEMENT AND EVIDENTIARY STIPULATIONS**

Armstrong is open to discussing settlement of this matter in a manner that will resolve FE PA’s systematic pole attachment delays and harm to the public – here, the ABC Program and rural Butler County. Armstrong also is open to evidentiary or legal stipulations as the litigation progresses to help narrow the scope of facts or issues in dispute.

Respectfully submitted,



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Date: June 5, 2026

*Counsel for Armstrong Telecommunications, Inc.*