

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Crown Castle Fiber LLC,
Complainant,
v.
Commonwealth Edison Company,
Defendant.
Proceeding Numbers 19-169
19-170
Bureau ID Numbers EB-19-MD-004
EB-19-MD-005

ORDER OF DISMISSAL

Adopted: March 19, 2020

Released: March 19, 2020

By the Chief, Market Disputes Resolution Division:

1. On June 19, 2019, Crown Castle Fiber LLC (Crown Castle) filed two pole attachment complaints against Commonwealth Edison Company (ComEd).1 The complaints allege that Crown Castle provides telecommunications services pursuant to authority issued by the Illinois Commerce Commission (ICC)2 and that ComEd is an electric utility that owns or controls poles in Illinois.3 Crown Castle asserts that ComEd violated section 224 of the Communications Act of 1934, as amended (Act), and the Commission’s rules by unlawfully denying Crown Castle access to ComEd’s poles4 and by charging unlawful rates for Crown Castle’s attachments.5

2. On March 16, 2020, the parties filed a joint motion to dismiss both cases on the ground that the parties executed a confidential settlement agreement regarding these complaints.6 The Motion states that “[d]ismissal of the Complaints will serve the public interest by eliminating the need for further litigation and the expenditure of the associated time and resources of the parties and the Commission, and by promoting the private resolution of disputes.”

1 Pole Attachment Complaint for Denial of Access, Proceeding Number 19-169, Bureau ID Number EB-10-MD-004 (June 19, 2019) (Access Complaint); Pole Attachment Complaint – Unlawful Rates, Proceeding Number 19-170, Bureau ID Number EB-10-MD-005 (June 19, 2019) (Rate Complaint).

2 Access Complaint at 2, para. 5; Rate Complaint at 1-2, para. 3.

3 Access Complaint at 2, para. 8; Rate Complaint at 2, para. 6.

4 See, e.g., Access Complaint at 39-41, paras. 176-88.

5 See, e.g., Rate Complaint at 26-27, paras. 89-94.

6 Joint Motion to Dismiss with Prejudice, Proceeding Numbers 19-169, 19-170, Bureau ID Numbers EB-10-MD-004, EB-19-MD-005 (Mar. 16, 2020) (Motion).

3. We are satisfied that granting the Motion will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further expenditure of time and resources by the parties and the Commission.

4. Accordingly, **IT IS HEREBY ORDERED**, pursuant to sections 1, 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 151, 154(i), 154(j), 208, 224, and sections 1.3, 1.720-1.740 and 1.1401-1415 of the Commission's Rules, 47 CFR §§ 1.720-1.740, 1.1401-1415, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, that the Joint Motion to Dismiss With Prejudice **IS GRANTED**.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary McEnery
Chief, Market Disputes Resolution Division
Enforcement Bureau