

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
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July 25, 2019

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Re: *Crown Castle Fiber LLC v. Commonwealth Edison Company*,
Proceeding Numbers 19-169, 19-170, Bureau ID Numbers EB-19-MD-004, EB-19-MD-005

Dear Counsel:

We write to address two deficiencies in the answers Commonwealth Edison Company (ComEd) filed in the above-captioned pole attachment complaint proceedings brought by Crown Castle Fiber LLC (Crown Castle).¹

First, ComEd did not comply with the requirements of recently-promulgated rule 1.721(m).² By July 30, 2019, we direct ComEd to submit verifications that satisfy this rule.³

¹ See Commonwealth Edison Company's Answer to the Pole Attachment Complaint for Denial of Access of Crown Castle Fiber LLC, Proceeding Number 19-169, Bureau ID Number EB-19-MD-004 (July 22, 2019) (Access Case Answer); Commonwealth Edison Company's Answer to the Pole Attachment Complaint – Unlawful Rates of Crown Castle Fiber LLC, Proceeding Number 19-170, Bureau ID Number EB-19-MD-005 (July 22, 2019) (Rate Case Answer). These pleadings will be referred to collectively as the "Answers."

² As we previously explained in our Notice of Complaint in the rate case, 47 CFR § 1.721(m) requires each pleading to contain a written verification that it is "well grounded in fact," "warranted by existing law or a good faith argument for the extension, modification or reversal of existing law," and "not interposed for any improper purpose." See Notice of Complaint, Proceeding Number 19-170, Bureau ID Number EB-19-MD-005 (June 25, 2019) at 2 & n.4.

³ This instruction does not reflect any judgment as to the reliability of ComEd's Answers.

In addition, with respect to certain paragraphs, ComEd has failed to “admit or deny the averments on which the complainant relies, and state in detail the basis for admitting or denying such averment” in satisfaction of rule 1.726(b).⁴ Specifically, the Access Case Answer fails to address paragraphs 176-188 of its corresponding complaint,⁵ and the Rate Case Answer fails to address paragraphs 89-94 of its corresponding complaint.⁶ Accordingly, we direct ComEd to supplement its Answers by July 30, 2019.

These instructions do not extend or otherwise alter any deadlines established in these proceedings.

FEDERAL COMMUNICATIONS COMMISSION



Rosemary McEnery
Chief, Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission

⁴ See 47 CFR § 1.726(b).

⁵ Compare Access Case Answer with Pole Attachment Complaint for Denial of Access, Proceeding Number 19-169, Bureau ID Number EB-19-MD-004 (June 19, 2019) at 38-41.

⁶ Compare Rate Case Answer with Pole Attachment Complaint — Unlawful Rates, Proceeding Number 19-170, Bureau ID Number EB-19-MD-005 (June 19, 2019) at 26-27.