



**Federal Communications Commission
Enforcement Bureau
Market Disputes Resolution Division
45 L Street, NE
Washington, DC 20554**

December 8, 2025

Copies sent by E-mail

ORDER GRANTING MOTION TO ASSIGN COMPLAINT TO ACCELERATED DOCKET

**COMCAST CABLE
COMMUNICATIONS, LLC,**

Complainant,

V.

APPALACHIAN POWER COMPANY,

Defendant.

Proceeding No. 25-330
Bureau ID Number EB-25-MD-002

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LLC

Dear Counsel:

On November 25, 2025, Comcast Cable Communications, LLC (Comcast) filed with the Commission a pole attachment complaint against Appalachian Power Company (APCO) under section 224 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 224.¹ In the Complaint, Comcast requested that the Commission assign the Complaint to the Accelerated Docket (AD) pursuant

¹ Pole Attachment Complaint and Request for Assignment to Accelerated Docket, Proceeding No. 25-330, Bureau ID No. EB-25-MD-002 (filed Nov. 25, 2025) (Complaint).

to sections 1.736 and 1.1415 of the Commission's rules.² Comcast claims that the resolution of this dispute turns on a discrete legal determination without any need for discovery.³ As explained below, we grant Comcast's request to assign this matter to the AD.

The Commission's Rapid Broadband Assessment Team (RBAT)—composed of staff from the Enforcement Bureau and the Wireline Competition Bureau—prioritizes resolution of pole attachment disputes that impede broadband deployment, including those where placement on the AD is requested.⁴ It is within the RBAT's discretion to decide whether a complaint, or a portion of a complaint, is suitable for inclusion on the AD.⁵ In making its decision, the RBAT considers a list of factors enumerated in the Commission's rules.⁶

Based on a totality of the factors set forth in section 1.1415(e), we find that the instant Complaint is suitable for inclusion on the AD.⁷ For example, Comcast's Complaint is limited to the single, discrete legal issue of whether APCO's pole replacement policy violates the Commission's rules and orders.⁸ Comcast and APCO, moreover, have engaged in extensive pre-complaint negotiations and information exchange.⁹ No discovery is sought, nor are there likely to be any disputed facts in the case.¹⁰ In short, the Complaint may be adjudicated based on minimal pleadings, and resolution of the issue will enable the parties to this and other potential disputes to proceed with broadband deployment without delay.¹¹ The RBAT has therefore determined that accelerated treatment is appropriate, and places this dispute on the AD per its authority under rules 1.1415(e) and 1.736(d).¹²

² See *id.* at 1; see also 47 CFR §§ 1.736(a), 1.1415. APCO previously agreed that the dispute is appropriate for the AD, provided that it is limited to determining the legal validity of an APCO policy concerning access to certain of its poles. See Complaint Ex. 1, Letter from Eric B. Langley to Members of the RBAT at 6, Ccst-007 (Sept. 26, 2025) (Langley Letter).

³ See Complaint at 1; *id.* at 31-32, para. 101.

⁴ 47 CFR § 1.1415(a), (b).

⁵ See *id.* § 1.1415(e).

⁶ See *id.* § 1.1415(e)(1)-(11).

⁷ See 47 CFR § 1.1415(b), (e). Comcast argues that each of the factors supports its request for accelerated treatment. See Complaint at 31-33, para. 101. In a pre-complaint letter to the RBAT, APCO generally agreed that at least six of those factors justify accelerated treatment of the dispute. See Langley Letter at 6-8, Ccst-0007-Ccst-0009.

⁸ See 47 CFR § 1.1415(e)(4) (number and complexity of the issues in dispute); (e)(10) (willingness of complainant to "seek a ruling on a subset of claims or issues"); (e)(1) (whether the complaint states a claim for violation of the Act); see, e.g., Complaint at 1-4.

⁹ See 47 CFR § 1.1415(e)(3) ("Whether the parties . . . have exhausted all reasonable opportunities for settlement during any staff supervised mediation"); (e)(9) ("Whether the parties have already assembled relevant evidence bearing on the disputed facts"); see, e.g., Complaint at 10-13.

¹⁰ See 47 CFR § 1.1415(e)(6)-(e)(7) (likely need for discovery or expert testimony); (e)(8) (ability of parties to stipulate to facts); see, e.g., Complaint at 1; *id.* at 31-32, para. 101.

¹¹ See 47 CFR § 1.1415(e)(11) ("Such other factors as the RBAT, within its discretion, may deem appropriate and conducive to the prompt and fair adjudication of the complaint proceeding").

¹² See 47 CFR §§ 1.1415(e), 1.736(d).

The parties shall abide by the procedural deadlines established by the Commission in its December 1, 2025 Notice of Formal Complaint.¹³ In addition, all filings must comply with the Commission's rules unless otherwise waived and/or modified by this Order.¹⁴ Moreover, given the parties' mutual interest in rapid resolution of this Complaint via the AD, we will not convene a joint session with the parties per 47 CFR § 1.733(a), nor will we require the parties to meet and confer and prepare joint statements per 47 CFR § 1.733(b).¹⁵ Parties retain the right to request a status conference in accordance with 47 CFR § 1.733(c), but should note that the accelerated schedule will not pause for such conferences. Additionally, the Commission controls the scheduling for all requested conferences per 47 CFR § 1.733(e), and parties should maintain swift availability to meet if a conference is requested.

This accelerated schedule anticipates final action on the Complaint within 60 days of this Order.¹⁶ The Commission retains the right to revert this proceeding back to the standard timeline if at any point it appears that the Complaint is no longer appropriate for AD treatment.¹⁷

We issue this letter ruling under sections 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 224; sections 1.3, 1.720-1.740, and 1.1401-1.1415 of the Commission's rules, 47 CFR §§ 1.3, 1.720-1.740, 1.1401-1.1415; and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION

/s/ Rosemary McEnery

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¹³ See Notice of Formal Complaint and Notice of Consideration for Accelerated Docket, Proceeding No. 25-330, Bureau ID Number EB-25-MD-002 (rel. Dec. 1, 2025).

¹⁴ Staff has authority under sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, to modify the filing deadlines and other requirements contained in the formal complaint rules as the circumstances of individual cases warrant and to the extent consistent with section 1.740 of the rules, 47 CFR § 1.740.

¹⁵ However, staff retains the right to request a joint statement of stipulated facts if deemed necessary. See 47 CFR § 1.733(b)(1)(v).

¹⁶ See 47 CFR § 1.736(a).

¹⁷ See 47 CFR § 1.736(g).