



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

June 11, 2026

By E-Mail

COXCOM, LLC, ) Proceeding No. 25-347
) Bureau ID No. EB-25-MD-003
Complainant, )
)
v. )
)
OKLAHOMA GAS & ELECTRIC COMPANY, )
)
Defendant. )

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Counsel for Oklahoma Gas & Electric Company

Dear Counsel:

I. Introduction

On June 8, 2026, staff of the Enforcement Bureau's Market Disputes Resolution Division (Staff) presided over a status conference in the above-captioned proceeding, pursuant to section 1.733 of the Commission's rules. Outside counsel and employees for CoxCom, LLC (Cox) and Oklahoma Gas & Electric Company (OG&E) attended the conference, some in person and others via Microsoft Teams. This letter memorializes Staff's rulings made during the conference, which rulings were based on the written record and the parties' oral statements during the conference.

1 47 CFR § 1.733.

2 See CFR § 1.730(d); see also 1.733(d).

3 See CoxCom, LLC, Pole Attachment Complaint – Unlawful Rates and Failure to Provide Data, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Dec. 16, 2025) (Complaint); Complainant's First Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Dec. 16, 2025) (Cox's First Interrogatories); Preliminary Objections of Oklahoma Gas and Electric Company to Complainant's First Set of Interrogatories,

## II. Confidentiality Requests

Staff advised the parties that their various requests for confidential treatment of certain filings did not comply with the Commission's confidentiality requirements.<sup>4</sup> By June 15, 2026, the parties are ordered to resubmit requests for confidential treatment of their filings, namely, the Complaint, Answer, OG&E's January 23 Interrogatory Objections, and the Joint Statement. The resubmitted confidentiality requests shall comply with the Commission's rules.<sup>5</sup> The Commission will continue to treat the parties' filings as confidential pending a determination following review of the parties' revised submissions. But if the parties fail to submit timely, compliant confidentiality requests, their submissions ultimately will not be accorded confidential treatment. The parties need not refile the related submissions with the updated confidentiality requests, but the letter request(s) should be clear as to which submission(s) they relate. The parties are encouraged to collaborate in preparing these revised requests.

## III. Discovery Requests

The Commission's discovery rulings, which have been coordinated among the Enforcement Bureau, the Wireline Competition Bureau, and the Office of Economics and Analytics, are guided by 47 U.S.C. § 154(j)<sup>6</sup> and sections 1.730(a) and (f) of the Commission's Rules, which permit discovery of any non-privileged matter that is relevant to the material facts in dispute and provide the Commission discretion to allow additional discovery.<sup>7</sup> After considering the parties' unresolved requests for interrogatories, as well as their extensive explanations and objections thereto in their various pleadings and their oral statements during the status conference, we set forth Staff's rulings as follows:

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Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Jan. 7, 2026) (OG&E's January 7 Preliminary Interrogatory Objections); Opposition to Preliminary Objections of Oklahoma Gas & Electric Company to Complainant's First Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Jan. 14, 2026) (Cox's January 14 Opposition to Preliminary Objections to Its First Set of Interrogatories); Oklahoma Gas & Electric Company's Objections and Opposition to CoxCom, LLC's First Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Jan. 23, 2026) (OG&E's January 23 Interrogatory Objections); Oklahoma Gas & Electric Company's Answers to Complainant's First Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Feb. 2, 2026); Motion to Dismiss of Oklahoma Gas & Electric Company, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Feb. 6, 2026); Answer and Affirmative Defenses of Oklahoma Gas & Electric Company, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Feb. 20, 2026) (Answer); Defendant Oklahoma Gas & Electric Company's Interrogatories to Complainant CoxCom, LLC, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Feb. 20, 2026) (OG&E's Interrogatories); CoxCom, LLC Objections to Oklahoma Gas & Electric Company's First Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Feb. 27, 2026); CoxCom, LLC's Combined Reply to Oklahoma Gas & Electric Company Answer to CoxCom's Complaint and Opposition to OG&E Motion to Dismiss, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Mar. 9, 2026); Complainant's (sic) Second Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Mar. 9, 2026) (Cox's Second Interrogatories); Opposition and Objections of Oklahoma Gas & Electric Company to Complainant's Second Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Mar. 16, 2026) (OG&E's March 16 Interrogatory Objections); CoxCom, LLC Responses to Oklahoma Gas & Electric Company's First Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed Mar. 20, 2026); Oklahoma Gas & Electric Company's Answers to Complainant's Second Set of Interrogatories, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed May 7, 2026); Joint Statement of Stipulated Facts, Disputed Facts, and Key Legal Issues, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (filed May 22, 2026) (Joint Statement).

<sup>4</sup> See 47 CFR §§ 0.459, 1.731.

<sup>5</sup> *Id.*

<sup>6</sup> See 47 U.S.C. § 154(j) ("The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice.").

<sup>7</sup> 47 CFR § 1.730(a), (f).

We grant interrogatory numbers 1 and 2 of Cox's First Interrogatories, as modified by Cox in Cox's January 14 Opposition to Preliminary Objections to Its First Set of Interrogatories:

To address OG&E's objections to the April 17 letter, Cox proposed to clarify and/or restate the scope of its interrogatories 1 and 2 so that they ask, in relation to the 2025 (interrogatory number 1) and 2026 (interrogatory number 2) rate year increases, that OG&E produce the items listed in the FCC's Rule 1.1404(g), as it existed prior to the *2018 Rules Consolidation Order*, plus information regarding OG&E's treatment of excess ADIT (which is one of the items in the April 17 letter).<sup>8</sup>

We grant interrogatory numbers 3 and 4 of Cox's First Interrogatories.

We deny interrogatory numbers 5 and 6 of Cox's First Interrogatories, but do so without prejudice to Cox renewing its requests after it reviews OG&E's other forthcoming discovery responses, and with the expectation that, if it were to elect to renew, it would provide a more robust and fulsome explanation.

We grant interrogatory numbers 1 through 4 of Cox's Second Interrogatories.

We grant interrogatory number 1 of OG&E's Interrogatories.

The Commission's rules provide for a broad scope of permissible discovery.<sup>9</sup> The discovery sought and hereby granted is both relevant to the material facts in dispute and similar to the types of information the Commission has considered relevant in resolving prior pole attachment disputes.<sup>10</sup> Moreover, we credit many of Cox's explanations for why the discovery we granted is necessary, and we find that the interrogatories pertain to the cost inputs of the Commission's pole attachment rate formula (or could allow Cox to rebut certain presumptions in the formula).<sup>11</sup> Finally, we find OG&E's objections unpersuasive and therefore overrule them. OG&E objects, for example, that Cox propounded interrogatories in excess of the number that our rules permit,<sup>12</sup> but we have discretion under rule 1.730(f) to increase the number of interrogatories that a party may serve.<sup>13</sup>

#### **IV. Case Schedule and Exchange of Discovery**

As stated in the April 30, 2026 scheduling order, the parties shall complete their exchange of discovery by June 22, 2026.<sup>14</sup> We require the parties to file in the record all discovery exchanged in this

<sup>8</sup> Cox's January 14 Opposition to Preliminary Objections to Its First Set of Interrogatories at 8-9.

<sup>9</sup> See 47 CFR § 1.730(a), (f).

<sup>10</sup> See, e.g., 47 CFR § 1.1404(g) (2017); *AT&T Corp. v. Wide Voice, LLC*, Proceeding No. 20-362, Bureau ID No. EB-20-MD-005 (Mar. 22, 2021); *AT&T Services, Inc. v. 123.Net (d/b/a Local Exchange Carriers of Michigan and/or Prime Circuits)*, Proceeding No. 19-222, Bureau ID No. EB-19-MD-007 (Dec. 10, 2019); *AT&T Corp. v. Iowa Network Services, Inc. d/b/a Aureon Network Services*, Proceeding No. 17-56, Bureau ID No. EB-17-MD-001 (Jul. 25, 2017); *Edward Ryan v. Cellco Partnership d/b/a Verizon Wireless*, Proceeding No. 14-219, Bureau ID No. EB-14-MD-009 (Apr. 11, 2016); *AT&T Corp. v. All American Telephone Co.*, Bureau ID No. EB-09-MD-010 (Jul. 28, 2010).

<sup>11</sup> See 47 CFR § 1.730(a); Cox's First Interrogatories at 6-7; Cox's Second Interrogatories at 6-8. Cox pointed to reasons within its Complaint that each discovery request is needed. Cox further explained, and there was no genuine dispute, that the material requested resides "in OG&E's sole possession." Cox's First Interrogatories at 6-7.

<sup>12</sup> See OG&E's January 23 Interrogatory Objections at 2; OG&E's March 16 Interrogatory Objections at 1-2.

<sup>13</sup> See 47 CFR § 1.730(f). In addition, among other things, OG&E contends that it does not maintain some information in the form requested by Cox. See, e.g., Answer, Exhibit B, Declaration of Rachel Martin. To the extent that information requested by Cox may not be maintained by OG&E in the form requested, the parties should work together to address the information to be provided.

<sup>14</sup> See Scheduling Order, Proceeding No. 25-347, Bureau ID No. EB-25-MD-003 (Apr. 30, 2026) at 2.

dispute and to comply with 47 CFR § 1.730(g) in filing the material.<sup>15</sup> If the size of the discovery causes filing problems, the parties should reach out to Staff to discuss how best to file the material. Spreadsheets in electronic format (e.g. Excel spreadsheets) are to be provided in native format. Any motion(s) to compel in this matter are to be filed by July 7, 2026.<sup>16</sup>

Staff will discuss the need for any briefing with the parties following the exchange of discovery.

**V. Conclusion**

We issue this letter ruling pursuant to sections 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 224; sections 0.459, 1.3, 1.720-1.740, and 1.1401-1.1416 of the Commission's rules, 47 CFR §§ 0.459, 1.3, 1.720-1.740, 1.1401-1.1416; 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/ J. Adam Suppes

J. Adam Suppes  
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Enforcement Bureau

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<sup>15</sup> See 47 CFR § 1.730(g).

<sup>16</sup> See 47 CFR § 1.730(h).