



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

**July 7, 2026**

**By Email**

**NOTICE OF FORMAL COMPLAINT**

BELLSOUTH )  
TELECOMMUNICATIONS, LLC )  
d/b/a AT&T NORTH CAROLINA and )  
AT&T SOUTH CAROLINA, )  
 )  
Complainant, )  
 )  
v. )  
 )  
DUKE ENERGY CAROLINAS, LLC, )  
 )  
Defendant. )

Proceeding No. 26-164  
Bureau ID Number EB-26-MD-004

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Counsel for Defendant

Counsel for Complainant

Dear Counsel:

On June 24, 2026, Bellsouth Telecommunications, LLC d/b/a AT&T North Carolina and AT&T South Carolina (“Complainant” or “AT&T”) filed with this Commission a complaint against Duke Energy Carolinas, LLC (“Defendant” or “Duke”) under section 224 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 224.<sup>1</sup> Defendant confirmed during a joint call on July 7, 2026, that it was in possession of the Complaint by July 6, 2026.

Adam Suppes and I are Commission counsel for this proceeding. My phone number is (202) 418-7336, and my e-mail address is [Rosemary.McEnery@fcc.gov](mailto:Rosemary.McEnery@fcc.gov). Adam Suppes’ phone number is (202) 418-0324, and his e-mail address is [Adam.Suppes@fcc.gov](mailto:Adam.Suppes@fcc.gov).

This letter outlines the procedural rules relevant to this case. We will conduct this proceeding in accordance with the Commission’s rules governing section 224 complaint proceedings, which are found at 47 CFR §§ 1.720-1.740 and 1.1401-1.1415.<sup>2</sup>

As indicated in the Complaint, the parties have a joint use agreement that contains an arbitration clause.<sup>3</sup> We require the parties to brief whether the Commission should stay this proceeding in light of this arbitration clause, and whether (and to what extent) the arbitration clause applies to the claims raised in the Complaint and/or any potential defenses to the Complaint. To that end, we instruct Duke to submit a brief on this issue by July 22, 2026.<sup>4</sup> AT&T may then respond to Duke’s submission by August 5, 2026. Except as provided herein, all filings must comply with the Commission’s rules and with this Notice.<sup>5</sup>

All other deadlines in this proceeding, including any that may have passed under our rules, are suspended until further notice. The 270-day shot clock for final action on the Complaint is paused pending further notice. *See Rule Consolidation Order*, 33 FCC Rcd at 7186, paras. 22-23. The Enforcement Bureau has discretion to pause the 270-day review period where actions outside the Commission’s control (such as settlement discussions or mediation) delay Commission review of the complaint or where the Bureau determines that the issues and record are particularly complex,

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<sup>1</sup> Pole Attachment Complaint, Proceeding Number 26-164, Bureau ID Number EB-26-MD-004 (filed June 24, 2026) (Complaint).

<sup>2</sup> *See also Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, Report and Order, 33 FCC Rcd 7178 (2018) (*Rule Consolidation Order*); *Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures to Be Followed when Formal Complaints Are Filed Against Common Carriers*, Report and Order, 12 FCC Rcd 22497 (1997) (*Formal Complaints Order*), Order on Reconsideration, 16 FCC Rcd 5681 (2001) (*Formal Complaints Recon Order*); *Amendment of Certain of the Commission’s Part 1 Rules of Practice and Procedure Relating to the Filing of Formal Complaints Under Section 208 of the Communications Act and Pole Attachment Complaints Under Section 224 of the Communications Act*, Order, 29 FCC Rcd 14078 (2014) (*Formal Complaints Amendment Order*). The rules governing this proceeding differ significantly from the Federal Rules of Civil Procedure. For example, the Commission requires parties to file fact-based pleadings. *See Formal Complaints Order*, 12 FCC Rcd at 54, para. 120, 47 CFR §§ 1.721(b)-(d), (r), 1.726(b). Further, section 208 proceedings “are generally resolved on a written record consisting of a complaint, answer, reply, and joint statement of stipulated facts, disputed facts and key legal issues, along with all associated evidence in the record.” 47 CFR § 1.721.

<sup>3</sup> Complaint at 3-4, para. 4 & n.11; Ex. 1, art. XIX at ATT00110-ATT00111.

<sup>4</sup> *See* 47 CFR §§ 1.732(c), 1.735.

<sup>5</sup> 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. In addition, if a filing contains a citation to material that appears on the Internet, the filing must attach a hard copy of that material. *See* 47 CFR §1.721(g), (k).

necessitating additional time for discovery, briefing or the submission of information requested by the Bureau. *See Rule Consolidation Order*, 33 FCC Rcd at 7186, para. 23.

The parties must file a public version of all written submissions in this proceeding using the Commission's Electronic Comment Filing System (ECFS). All written submissions should (a) prominently contain the Proceeding Number and Bureau ID Number referenced above, and (b) be addressed to the Commission Secretary. A party that seeks to file both a public version and a confidential version of a submission must do so in compliance with section 1.731 of the Commission's rules, and must file the public (redacted) version on ECFS and file the confidential (unredacted) version in hard copy form with the Office of the Commission Secretary. *See* 47 CFR § 1.731. A party asserting confidentiality for any information or materials should restrict its designations to encompass only the specific information that it asserts is confidential. Confidential designations in pleadings must be clearly identified and marked accordingly, e.g., [Begin Confidential]/[End Confidential]. Confidential filings also must clearly identify and mark each page, or portion thereof, which includes confidential designations. *See* 47 CFR § 1.731(a)(1). The parties must serve all filings via e-mail, hand-delivery, or overnight delivery, together with proof of service. *See* 47 CFR § 1.734(f). No hand deliveries are accepted at that the FCC Headquarters. All hand deliveries should be directed to Federal Communications Commission, Office of the Secretary, 9050 Junction Drive, Annapolis Junction, MD 20701. Also, please email courtesy copies of all filings (both public versions and confidential versions) in a format that permits full text searching, if possible to Commission counsel for this proceeding and Sandra Gray-Fields ([Sandra.gray-fields@fcc.gov](mailto:Sandra.gray-fields@fcc.gov)). *See* 47 U.S.C. § 154(i); 47 CFR § 1.734(e). *See Formal Complaints Amendment Order*, 29 FCC Rcd at 14081, para. 11 (requiring parties to provide hard copies of submissions to Commission staff upon request).

This proceeding is restricted for *ex parte* purposes. *See* 47 CFR Part 1, Subpart H. Further, the parties are required to retain all records that may be relevant to the complaint, including electronic records, until the Commission's decision in this proceeding is final and no longer subject to judicial review. *See* 47 U.S.C. §§ 154(i), 208(a).

We issue this Notice of Formal Complaint 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.

Sincerely,

/s/ Rosemary McEnery

Rosemary McEnery  
Chief, Market Disputes Resolution Division  
Enforcement Bureau