

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Zito Media, L.P.,	)	Proceeding No. 17-316
Complainant	)	File No. EB-17-MD-006
	)	
v.	)	
	)	
Pennsylvania Electric Company,	)	
Respondent	)	

**ORDER OF DISMISSAL**

**Adopted: April 30, 2019**

**Released: April 30, 2019**

By the Chief, Market Disputes Resolution Division:

1. In this proceeding, Zito Media, L.P. (Zito) filed with this Commission a formal complaint alleging, *inter alia*, that Pennsylvania Electric Company (Penelec) denied Zito access to Penelec's utility poles by failing to meet the timeframes prescribed in the Commission's rules and by failing to provide it with a list of approved contractors.<sup>1</sup> Penelec filed a Response to Zito's Complaint on December 13, 2017.<sup>2</sup> Zito filed a Reply on January 2, 2018.<sup>3</sup>

2. On April 17, 2019, the parties filed a joint motion seeking dismissal of the Complaint with prejudice on the ground that the parties executed a confidential settlement agreement regarding this dispute.<sup>4</sup> The Motion states that "[d]ismissal of the Complaint 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 will promote the private resolution of disputes."<sup>5</sup>

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.

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<sup>1</sup> Pole Attachment Complaint, No. 17-316, File No. EB-17-MD-006 (filed Nov. 13, 2017) (Complaint).

<sup>2</sup> Response of Pennsylvania Electric Company to Pole Attachment Complaint Filed by Zito Media, L.P., No. 17-316, File No. EB-17-MD-006 (filed Dec. 13, 2017) (Response).

<sup>3</sup> Zito Media, L.P.'s Reply in Support of Pole Attachment Complaint, No. 17-316, File No. EB-17-MD-006 (filed Jan. 2, 2018) (Reply).

<sup>4</sup> Joint Motion to Dismiss Complaint With Prejudice, No. 17-316, File No. EB-17-MD-006 (filed Apr. 17, 2019) (Motion).

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

4. Accordingly, **IT IS ORDERED**, pursuant to 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 1.1401-1415 of the Commission's Rules, 47 CFR §§ 1.3, 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 Motion **IS GRANTED**, that the Complaint **IS DISMISSED** with prejudice, and that this proceeding **IS TERMINATED**.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary H. McEnery  
Chief  
Market Disputes Resolution Division  
Enforcement Bureau