

ATTACHMENT C

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

ZITO MEDIA, L.P.,

Complainant,

v.

PENNSYLVANIA ELECTRIC COMPANY,

Respondent.

Proceeding No. 17-316
File No. EB-17-MD-006

REPLY DECLARATION OF JAMES RIGAS

I, JAMES RIGAS, declare as follows:

1. I serve as Co-President of Zito Media, L.P. (“Zito”), with a general office address of 102 South Main Street, Coudersport, PA 16915. I make this Reply Declaration in support of Zito’s Reply in Support of Pole Attachment Complaint (“Reply”) in the above-captioned case. I know the following of my own personal knowledge, and if called as a witness in this action, I could and would testify competently to these facts under oath.

2. I have served as Co-President for 11 years. In this role, I am responsible for managing all aspects of Zito’s business, including sales, marketing, operations, and business planning.

3. I have reviewed the allegations made in the Reply filed in this proceeding and verify that they are true and correct to the best of my knowledge, information and belief.

4. Zito relies upon Pennsylvania Electric Company (“Penelec”) poles and power distribution plant to deliver Zito’s services to customers. Zito’s agreements with its customers

include service level agreements that require Zito to pay significant monetary penalties for service interruptions.

5. Underground construction generally is not a viable alternative to aerial construction of Zito's facilities, especially in Pennsylvania, where boring through bedrock and restoration expenses combine to make underground construction cost prohibitive. Costly fiber leases are also not a viable long term alternative solution for Zito.

6. On June 21, 2017, I participated in a call with representatives of Penelec and Zito to discuss Zito's concerns about Sigma's inefficient, unreasonable, and unreasonably costly application process and estimates. Among others, Steven Schafer, Manager, Joint Use & Cable Locating for FirstEnergy (Penelec's parent company) and Robert Chumrik, Penelec's Engineer V participated in that call. During that call, Mr. Schafer suggested a face to face meeting with Sigma, Zito and Penelec to discuss Zito's concerns. I was explicit that Zito was willing to participate in such a face to face meeting only if there was a meaningful chance for the parties to reach a mutually satisfactory resolution, but that it was otherwise prepared to file a complaint with the Commission. Mr. Schafer responded: "That would be waste of time for all of us. I wouldn't suggest this meeting if I didn't believe we could find a solution." That face to face meeting occurred on July 25, 2017, with the same individuals from the June 21, 2017 call in attendance, as well as Wallace Cunningham (Engineering Manager, FirstEnergy) and Ryan Hetrick (President, Sigma).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

By: 
James Rigas

Dated: January 2, 2018