

ATTACHMENT B

DECLARATION OF MINDY WICKOWSKI

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

MAW Communications, Inc.,

Complainant,

v.

PPL Electric Utilities Corporation,

Defendant.

File No.

DECLARATION OF MINDY WICZKOWSKI

I, MINDY WICZKOWSKI, declare as follows:

1. I serve as Vice President of Strategic Development for MAW Communications, Inc. (“MAW”), with a general office address of 419 Washington Street, Reading, Pennsylvania 19603. I make this Declaration in support of MAW’s Pole Attachment Complaint 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 Vice President of Strategic Development for one year and have been employed at MAW Communications since 2008. In this role, I am responsible for assisting the president in all aspects of MAW’s business operations including managing sales, marketing, operations, legal, and business planning. Prior to this role, I was the Director of Customer Service for three years; in that role, I was responsible for coordinating with the Outside Plant Manager for service calls and installations, deployment of the LanCity Connect Project, attending to customers, developing MAW’s customer service department and assisting in executive level business planning. I was also a member of our Outside Plant staff part time for

eight years, where I was responsible for conducting pole surveys, fiber splicing, network documentation and marking underground facilities.

3. I have reviewed the allegations in the Pole Attachment Complaint filed in this proceeding as well as the exhibits attached hereto and verify that they are true and correct to the best of my knowledge, information and belief.

4. MAW provides telecommunication services to health, governmental, and educational institutions; local governments; and telecommunications carriers, including transport services for nationwide wireless carriers.

5. In recently provided PPL documentation of the existing City and LCSC authorized attachments, MAW identified a substantial number of alleged unauthorized attachments that were made by the City and/or LCSC prior to MAW assuming responsibility for the attachments. Virtually all of the currently alleged unauthorized attachments associated with MAW's backbone network were identified in the data MAW provided to PPL in 2016. Moreover, all of the alleged unauthorized attachments in the J-and-raise project were made by either the City or LCSC prior to MAW assuming the network in 2015.

6. In March 2016, after submitting its first applications for the new build portion of the LanCity Connect network, MAW once again submitted all of the J-and-raise rebuild pole attachment records to Mr. Ryan Yanek, Project Manager for Distribution Asset Management at PPL. PPL has repeatedly refused to accept this data from MAW.

7. Because PPL claims these service drops cannot be classified as service drops and are attached to purportedly "unauthorized" backbone network, PPL has removed over 100 service drop attachments made by MAW, which has resulted in a termination of telecommunications service to over 70 of MAW's customers, including health care facilities.

8. The City has agreed to transfer any remaining fiber network attachments to MAW provided PPL approves a remediation plan submitted by MAW in an effort to address PPL's unauthorized attachment allegations. PPL requires the City to agree to the transfer before PPL will approve MAW's remediation plan; a plan that PPL continues to contend is unacceptable. PPL will not approve MAW's remediation plan, and the City will not transfer its attachments to MAW, which would render those attachments lawfully recorded and resolve the missing paperwork issue; meanwhile, MAW is being denied access to resolve service outages or perform routine maintenance on its facilities, attach new facilities to PPL poles and its network is being dismantled.

9. At the June 6, 2018 meeting between PPL, Lancaster City, and MAW, MAW notified PPL that all applications had been submitted through PPL's portal per the April 2018 Order. Despite the Court's instruction to MAW to submit, and PPL to promptly approve, applications for the disputed attachments, at that meeting, Mr. Yanek questioned why MAW had filed the applications and indicated that it would not review these applications.

10. At the July 2, 2018 meeting between PPL, the City, and MAW, Mr. Yanek told MAW that its applications were submitted incorrectly with the wrong application type, and were not in the right order for review. When asked how to correct the "type" and application order, Mr. Yanek responded that he would set the applications back to an "Incomplete" status purportedly to allow MAW "to make adjustments to applications before Make Ready Survey and Design work begins." In fact, doing so simply restarted the clock and further delayed the authorization

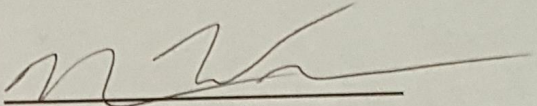
of the attachments, enabling PPL to continue removing drop attachments to the backbone attachments that were the subject of the stalled applications.¹

11. As a result of PPL denying MAW access, MAW has not been allowed to reconnect customers that have lost service or will lose service—even in areas unrelated to the disputed invoices in the City of Lancaster—if the loss of service touches a PPL pole. MAW was authorized to restore connections to two customers affected by ice damage on January 22, 2019, however, all prior and subsequent requests, including two outages on January 31, 2019 that affected three customers, have been refused.

12. PPL has told MAW that its attachments and service drops would be removed, rather than allowing MAW to fix noncompliance (if any) in place because allowing the attachments to remain would “reward bad behavior.” In fact, PPL has rejected all of MAW’s remediation plans and settlement offers that include any remediation, claiming all unauthorized attachments will be removed. PPL will not approve any plan or settlement offer that includes the remediation of attachments.

¹ See Email from Ryan Yanek to Mindy Wiczowski, et al. (July 3, 2018), attached hereto as Exhibit 1.

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: 
Mindy Wiczowski

Dated: February 8, 2019

EXHIBIT 1

From: "RJYanek" <RJYanek@pplweb.com>
To: "Charlotte Katzenmoyer" <CKatzenm@cityoflanasterpa.com>, "Eron Lloyd" <eron@mawcom.com>, "favyan" <favyan@mawcom.com>, "mindy" <Mindy@MAWcom.com>, "Glen Esenwein" <gesenwein@nextmiletech.com>
Cc: "Don Vinciguerra" <dvinciguerra@pplweb.com>, "Deron Leight" <dleight@nextmiletech.com>
Sent: Tuesday, July 3, 2018 4:43:10 PM
Subject: Progress Memo Regarding the April 13th Order incl Meeting Notes

Good Afternoon,

PPL continues to work with MAW, the City and Safety Coalition to review the removal of MAW's unauthorized attachments consistent with the April 13th Order.

Yesterday, I re-affirmed that PPL has always viewed, and continues to view the Order and compliance with it holistically. We are committed to following all sections of the Order, and MAW needs to as well.

MAW acknowledged that the order does not contemplate fixing Unauthorized Attachments in place, and that they need to be removed from PPL's poles. These attachments will need to follow PPL's established Make Ready Process to become permitted attachments.

PPL remains willing to review the timetable for these removals and re-applications but has not been able to do so, because MAW has been not yet provided a prioritized list of applications and has vacillated on providing a removal plan. This continually changing stance has added confusion.

PPL has continually offered MAW the opportunity to provide a removal plan which would allow them to sequence removals and preserve certain customers towards the end of the schedule to minimize the duration of disruption of their service while applications were being processed. MAW's unwillingness to provide a removal plan forced PPL to use the information available to develop its own plan.

MAW made the request that applications be made available to them so they can be adjusted before final submission. This will eliminate re-work for areas where data has been entered, but there are no authorized attachments.

As discussed and accepted by MAW, in an effort to assist it, PPL will set all applications back to "Incomplete" status, which will allow MAW full control to edit their applications before submitting. MAW will submit their applications when they are ready for the Make Ready Process to begin and PPL will process them in the order provided in MAW's sequence document. Setting applications back to an "Incomplete" status is a consistent practice PPL uses with other attachers who wish to make adjustments to applications before Make Ready Survey and Design work begins.

Now that PPL has confirmed the mechanism whereby MAW will have full control to edit their applications, MAW will provide a commitment as to when they will produce their removal plan. Yesterday, MAW committed to a 1 business day turn around after MAW understood the level of effort required to adjust their applications to give us this timeline.

PPL will continue working with the City, Safety Coalition and MAW in a good faith manner consistent with the April 13th Order.

Attached please find a copy of the Notes from the past five meetings between PPL, The City of Lancaster, LCSC and MAW Communications.

Sincerely,

Ryan J. Yanek, PMP | [Project Manager - ATBS](#)

Distribution Project Management | 610-774-2092 (Desk) | 610-509-6866 (Cell) | rjyanek@pplweb.com



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