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Writer's Direct Access
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April 8, 2019

Via ECFS

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re: PPL Electric Utilities Corporation's Motion for Leave to Respond to New Allegations in MAW Communications, Inc.'s Reply (Proceeding Number 19-29; Bureau ID Number EB-19-MD-001)

Ms. Dortch:

Please find attached defendant PPL Electric Utilities Corporation's Motion for Leave to Respond to New Allegations in MAW Communications, Inc.'s Reply in Proceeding Number 19-29; Bureau ID Number EB-19-MD-001.

Sincerely,



Timothy A. Doughty
Attorney for PPL Electric Utilities Corporation

Enclosures

cc: Lisa Saks, Enforcement Bureau
Adam Suppes, Enforcement Bureau

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

MAW Communications, Inc.,
Complainant,

v.

PPL Electric Utilities Corporation,
Defendant

)
)
)
)
) **Proceeding Number 19-29**
) **Bureau ID Number EB-19-MD-001**
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MOTION FOR LEAVE TO RESPOND TO NEW ALLEGATIONS IN REPLY

Pursuant to Section 1.729 of the Commission’s rules,¹ PPL Electric Utilities Corporation (“PPL”) respectfully requests leave to respond to new allegations made in the March 29, 2019 “Reply Brief in Support of Amended Pole Attachment Complaint” (“Reply”) filed by MAW Communications, Inc. (“MAW”) in the above-captioned proceeding. In support of the foregoing, PPL states as follows:

The Reply makes several new allegations to which PPL has had no opportunity to respond. First, MAW alleges for the first time in its Reply that “many of the alleged safety-related violations” were caused by either the City of Lancaster or LCSC.² Second, MAW alleges for the first time in its Reply that PPL allowed City-caused safety violations to remain in place for many years, supporting this allegation with an audit conducted by PPL in 2009, which MAW also mentions for the first time in its Reply.³ Third, MAW suggests for the first time in its Reply that “based on circumstantial evidence produced by PPL,” PPL in some unknown way conspired

¹ 47 C.F.R. §1.729.

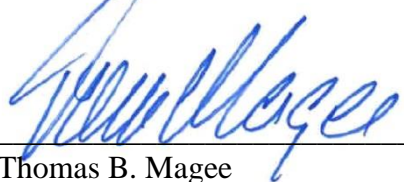
² Reply at 6-8.

³ *Id.*

with the City against MAW.⁴ Fourth, the Reply for the first time makes a number of new pronouncements regarding the National Electrical Safety Code, based solely on the testimony of MAW's President, who is not a Professional Engineer.⁵ Fifth, the Reply for the first time attaches a new document in the form of a draft letter by Mr. Staboleski that purports to explain Mr. Wiczkowski's January 15, 2016 "letter."⁶ Sixth, MAW alleges for the first time in its Reply that PPL stands to gain by driving MAW out of business, based on new allegations that PPL has an ongoing business relationship with MAW related to a "Reading, PA Metro Fiber Ring Network."⁷

It would be unfair and prejudicial to PPL if PPL were not provided an opportunity to respond to these new allegations. PPL therefore respectfully requests leave to file a response to these new allegations in MAW's Reply.

Respectfully submitted,



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April 8, 2019

⁴ Reply at 9.

⁵ See, e.g., Reply at 10, 11, 13

⁶ Reply at 20-21.

⁷ Reply at 21.

CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 8th day of April 2019, a true and authorized copy of PPL Electric Utilities Corporation's Motion for Leave to Respond to New Allegations in MAW Communications, Inc.'s Reply was served on the parties listed below via electronic mail and was filed with the Commission via ECFS.

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/s/
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