

April 17, 2019

VIA ECFS

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW, Room TW-A325
Washington, DC 20554

**Re: Zito Media, L.P. v. Pennsylvania Electric Company
Proceeding No. 17-316; File No. EB-17-MD-006**

Dear Ms. Dortch,

Please find attached the parties' Joint Motion to Dismiss the Complaint with Prejudice in the above-referenced proceeding.

Thank you for your attention to this matter.

DAVIS WRIGHT TREMAINE LLP

/s/ Maria T. Browne

Maria T. Browne

Attachment

cc: Thomas B. Magee
Timothy A. Doughty
Counsel for Pennsylvania Electric Company

Michael Engel
Lisa Saks
Federal Communications Commission
Enforcement Bureau

Secretary's Bureau
Pennsylvania Public Utility Commission

)	
In the Matter of:)	
)	
Zito Media, L.P.,)	
<i>Complainant,</i>)	
)	Proceeding No.: 17-316
v.)	Bureau No.: EB-17-MD-006
)	
Pennsylvania Electric Company,)	
<i>Respondent.</i>)	
)	

Complainant Zito Media, L.P. (“Zito”) and Respondent Pennsylvania Electric Company (“Penelec”), jointly move the Federal Communications Commission (“FCC” or “Commission”) to dismiss with prejudice the Pole Attachment Complaint (“Complaint”) filed in the above captioned proceeding. In support, Zito and Penelec state as follows:

1. Zito filed a formal Complaint against Penelec in the above-captioned action on November 13, 2017.
2. Pursuant to a Confidential Settlement Agreement between the parties, Zito agreed to seek dismissal of the Complaint against Penelec with prejudice.
3. Accordingly, Zito and Penelec jointly move for the dismissal of the Complaint with prejudice. Dismissal 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.

WHEREFORE, for the reasons stated above, Zito and Penelec jointly request that the Commission grant this motion and terminate the above-captioned proceeding.

Dated: April 17, 2019

Respectfully submitted,

Zito Media, L.P.

/s/ Maria T. Browne
Maria T. Browne
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W. Suite 800
Washington, D.C. 20006
202-973-4281 (Direct Phone)
202-973-4481 (Direct Fax)
mariabrowne@dwt.com (Email)

Pennsylvania Electric Company

/s/ Thomas B. Magee
Thomas B. Magee
Keller and Heckman LLP
1001 G Street, NW, Suite 500 West
Washington, DC 20001
202-434-4128 (Direct Phone)
202-434-4646 (Main Fax)
magee@khlaw.com (Email)

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2019, I caused a copy of the foregoing Joint Motion to Dismiss Complaint with Prejudice to be served on the following (service method indicated):

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554
(via ECFS)

Thomas Magee
Keller and Heckman LLP
1001 G Street, NW, Suite 500 West
Washington, DC 20001
(via email)

Secretary's Bureau
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(first class mail)

/s/ Maria T. Browne
Maria T. Browne