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Writer's Direct Access
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April 18, 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 Responses to Complainant's Second Set of Interrogatories (Proceeding Number 19-29; Bureau ID Number EB-19-MD-001)

Ms. Dortch:

Please find attached defendant PPL Electric Utilities Corporation's Responses to Complainant MAW Communications, Inc.'s Second Set of Interrogatories 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.,)	
<i>Complainant,</i>)	
)	Proceeding Number 19-29
v.)	Bureau ID Number EB-19-MD-001
)	
PPL Electric Utilities Corporation,)	
<i>Defendant</i>)	
_____)	

**PPL ELECTRIC UTILITIES CORPORATION’S RESPONSES
TO COMPLAINANT’S SECOND SET OF INTERROGATORIES**

Defendant PPL Electric Utilities Corporation (“PPL”), pursuant to the Notice of Formal Complaint issued February 14, 2019 by the FCC Enforcement Bureau in this proceeding and pursuant to Section 1.730 of the Commission’s Rules, 47 C.F.R. §1.730, submits the following Responses to the Second Set of Interrogatories of Complainant MAW Communications, Inc. (“MAW”) to PPL.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe the agreement identified in PPL's Response to MAW's First Set of Interrogatories at Exhibit A, Ryan Yanek Documents, page 34, line 218, "Lancaster County-City of Lancaster Agreement."

RESPONSE: The agreement identified in PPL's Response to MAW's First Set of Interrogatories at Exhibit A, Ryan Yanek Documents, page 34, line 218, "Lancaster County-City of Lancaster Agreement," is entitled "Pole Attachment Cable License Agreement Between PPL Electric Utilities Corporation and City of Lancaster." It is a pole attachment agreement that is dated November 14, 2003.

INTERROGATORY NO. 2:

Describe the agreement identified in PPL's Response to MAW's First Set of Interrogatories at Exhibit A, Ryan Yanek Documents, page 34, line 231, "Private Agreement – Lancaster City – Lancaster Community Safety Coalition."

RESPONSE: The agreement identified in PPL's Response to MAW's First Set of Interrogatories at Exhibit A, Ryan Yanek Documents, page 34, line 231, "Private Agreement – Lancaster City – Lancaster Community Safety Coalition," is a two-page document entitled "Public/Private Attachment Permit" entered into between PPL and the City of Lancaster, Pennsylvania and the Lancaster Community Safety Coalition on November 1, 2006. It is a pole attachment agreement.

INTERROGATORY NO. 3:

Page 34 of PPL's Answer states, "The remaining 534 municipal network attachments were attached to PPL's poles without authorization." Of the 534 municipal network attachments PPL claims are unauthorized, how many located on poles listed in PPL's Attachment D, Exhibit 4 ("Katapult Survey")?

RESPONSE: MAW claims that there are 960 attachments on PPL's poles that are owned by the City of Lancaster and LCSC, but PPL did not receive a list of those 960 attachments by pole number. PPL has records indicating that 426 attachments by the City and LCSC were authorized. PPL therefore concludes the remaining 534 attachments (960-426=534) are unauthorized. Without pole numbers, PPL cannot identify those 534 attachments and compare them with the list of 1,095 unauthorized attachments identified in the Katapult Survey.

INTERROGATORY NO. 4:

Explain every action taken since October 2009 to remedy the City of Lancaster's documented pole attachment violations.

RESPONSE: PPL conducted surveys of its pole plant from 2009 through part of 2013 to look for unauthorized attachments. Those surveys covered PPL poles in Lancaster during the periods January-April 2009 and January-March 2011. Those surveys were not safety inspections, but the auditors were instructed to note any obvious safety violations. For the 2009 survey, PPL found 30 safety violations. The remainder of the 276 "violations" MAW alleges in its Reply are instead not safety violations at all, but are "unused equipment," "transfer facilities to new pole," "attach req'd; 5 ft rule (cabl/serv)." PPL sent the City a letter dated October 2, 2009, in which PPL noted these safety violations and instructed the City as follows: "Forward the violation

section to your appropriate engineering or construction office to insure that the required electrical clearance corrections will be made within six months of the report date.”

For the 2011 survey, PPL found 31 safety violations. PPL sent the City a letter dated April 15, 2011, in which PPL noted these safety violations and instructed the City as follows: “Forward the violation section to your appropriate engineering or construction office to insure that the required electrical clearance corrections will be made within six months of the report date.”

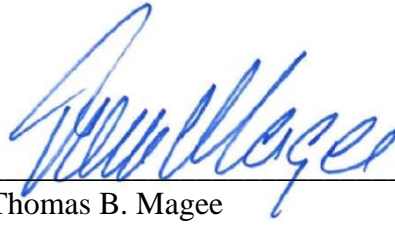
PPL did not conduct another survey of its poles in the City until after MAW’s whistleblower Joseph Staboleski informed PPL of MAW’s unauthorized attachment activity.

INTERROGATORY NO. 5:

Describe any agreement you have with any telecommunications or cable company whereby Verizon, or its predecessor, is guaranteed the lowest point of attachment to PPL’s poles.

RESPONSE: PPL’s joint-use agreement with Verizon, and its pole attachment agreements with third party attachers, require compliance with PPL’s standards. PPL standard 6-01-140 states: “The usable space on the pole as defined by the FCC is that pole space 18 feet and higher above ground level. The top of the usable pole space is reserved for PPL electrical attachments. The middle portion of the usable pole space is reserved for third party (Telcom, CATV, and public/private) communication cable or service drop attachments. The recommended minimum height of the initial third party cable attachment is 23 feet if conditions permit. The bottom portion of the usable pole space is reserved for the communication cable or service drop attachments owned by the incumbent telephone company. The recommended maximum height for the initial telephone cable attachment is 21 feet if conditions permit or lower if possible.”

Respectfully submitted,



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Attorneys for PPL Electric Utilities Corporation

April 18, 2019

**AFFIRMATION
OF
DARRYL P. PREZIOSI, PE, CEM,
PPL ELECTRIC UTILITIES CORPORATION**

I, Darryl P. Preziosi, do affirm as follows:

1. My name is Darryl P. Preziosi. I am currently the Manager of the Attachments and Telecom Business Services Department at PPL Electric Utilities Corporation ("PPL"); and
2. I affirm that the information included in PPL's Response to Complainant MAW Communications, Inc.'s Second Set of Interrogatories was identified as a result of searches of my files and based upon my personal knowledge.

Executed on April 18, 2019



Darryl P. Preziosi, PE, CEM
Manager – Attachments and Telecom Business
Services
PPL Electric Utilities Corporation

CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 18th day of April 2019, a true and authorized copy of PPL Electric Utilities Corporation's Responses to Complainant's Second Set of Interrogatories was served on the parties listed below via electronic mail, unless noted otherwise, and was filed with the Commission via ECFS.

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/s/
Timothy A. Doughty