

# Exhibit 13

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11/02/2017

# ComEd & Crown Castle – Chicago Projects

ComEd Service Territory

The Foundation for a Wireless World.

# Issues

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1. ComEd Application Processing – Significant Delays
2. Application Processing – proposed plan
3. Red Tag Poles – Expense
4. Application Fees – Expense

# Experiences & Challenges – Application processing

## Expectations and Experiences – Phase 2

<b>Application review</b> 45 days	<b>Make Ready Estimate</b> 14 days	<b>Estimate Payment</b> 14 days	<b>Complete Make Ready</b> 90 days	<b>Permit Issued</b> Max time elapsed: 160 days
<ul style="list-style-type: none"> <li>• Real Estate - intake</li> <li>• New Business – walk down estimate</li> <li>• New Business – walk down</li> </ul>	<ul style="list-style-type: none"> <li>• New Business – customer agreement for Make Ready</li> </ul>	<ul style="list-style-type: none"> <li>• Crown Castle – Approve and issue payment</li> </ul>	<ul style="list-style-type: none"> <li>• ComEd crews or outsource to qualified contractor</li> </ul>	<ul style="list-style-type: none"> <li>• New Business updates perpetual inventory and issues permit</li> </ul>

### Current State - wireless:

#### 311 active wireless attachment applications:

- 108 no MR and permit issued – avg 108 days (vs 45)

#### 203 require MR – avg 99 days since submission

- 66 permits forecasted in Nov
- 112 permits forecasted in Dec
- 6 MR estimates received (3 Nov and 3 Dec)

### Current State - fiber:

#### 232 active fiber attachment applications:

- 48 no MR and permit issued – avg 118 days (vs 45)

#### 184 require MR – avg 113 days since submission

- 2 permits forecasted in Oct
- 118 permits forecasted in Nov
- 40 permits forecasted in Dec
- 0 MR estimates received

**Expectation: 80% applications processed within established timeframes**  
**Observed Trend: No measurable improvement in processing experience**

# Application Processing – completion proposal

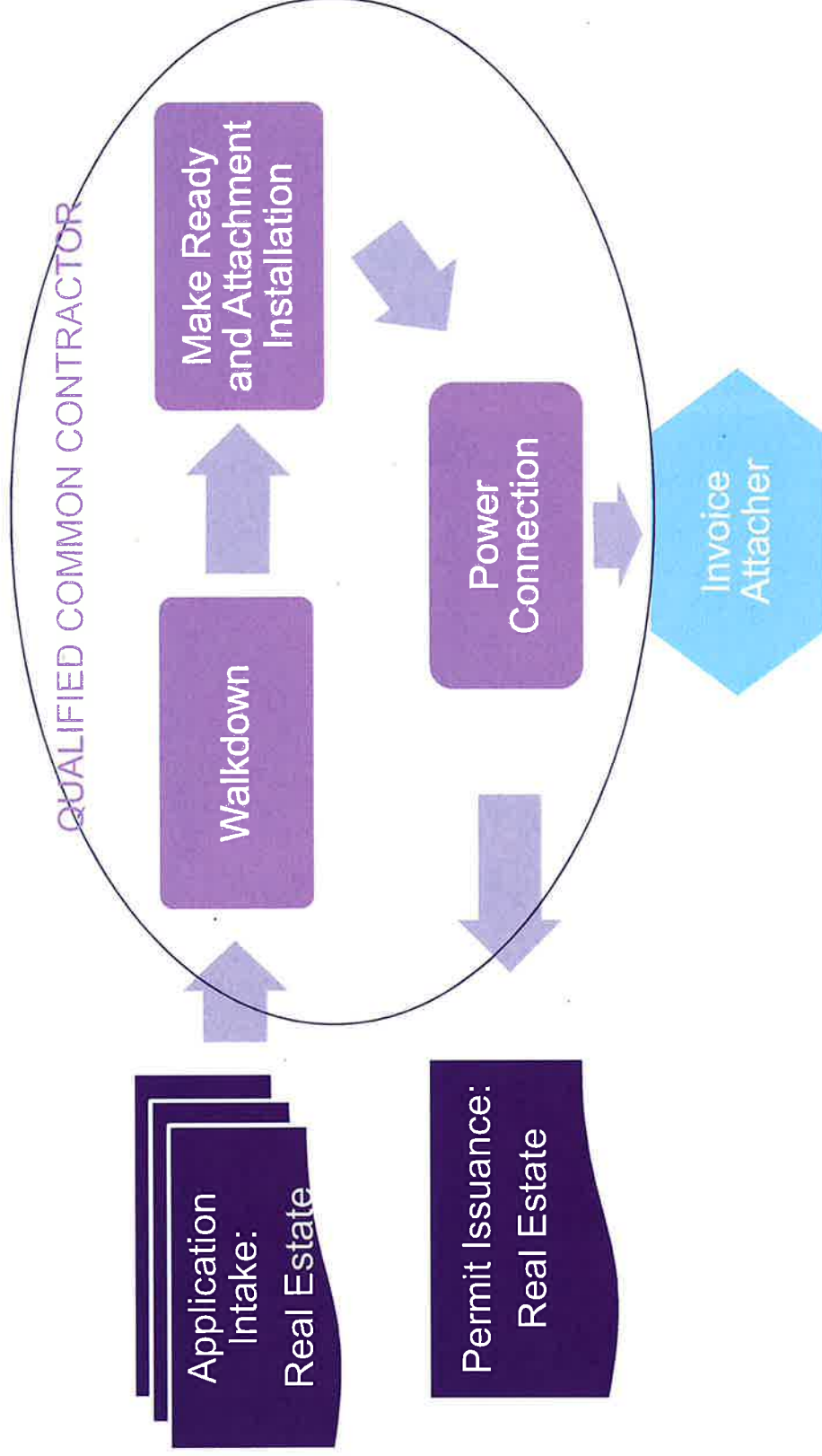
## Discussion

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- CWA payments:
  - ACH?
  - Escrow
- Communication contact for construction schedule
  - Aim to have Crown crews scheduled to follow ComEd crews
  - Weekly touchpoint?
- Director communication – Mid Nov?

# Brainstorming

## Outsourcing Pilot Proposal



# Brainstorming

## Phase 3 – Resource planning

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- Utilize KDM to do both MR design and ComEd design to expedite estimating process?
  - ComEd review/oversight of MR design and estimate completion/issuance
- Utilize common approved contractor for completion of MR and equipment install
- Standards review:
  - Raising secondary
  - Overlash

# Expenses and Fees

## Red Tag Poles

- ComEd identifies deficient poles through their “red tag” process
  - Several categories that indicate severity
- ComEd has stated that their policy requires any red-tagged pole that is “touched” must be replaced; reinforcement/repair is not an option regardless of the severity of the deficiency
- ComEd cannot and/or will not provide locational details regarding identified red tag poles
- Crown, as both a wireless services provider and a ratepayer, does not believe it should be unduly burdened with the full cost of replacing each previously identified and deemed deficient pole it encounters.
  - 25% fiber applications included 2775 poles. MR indicates 35% of poles will require replacement.
  - Applying to Phase 2, and assuming 50% are due to red-tagging, at approx. \$10,000 per pole, the price tag is approximating \$5 million (not including other MR)
  - ComEd’s rate structure likely includes a component for infrastructure maintenance and capital improvement
  - Crown should not be burdened to shoulder the full financial cost resulting in a windfall to ComEd in terms of significantly less capital spend realized while obtaining a significant system upgrade





[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

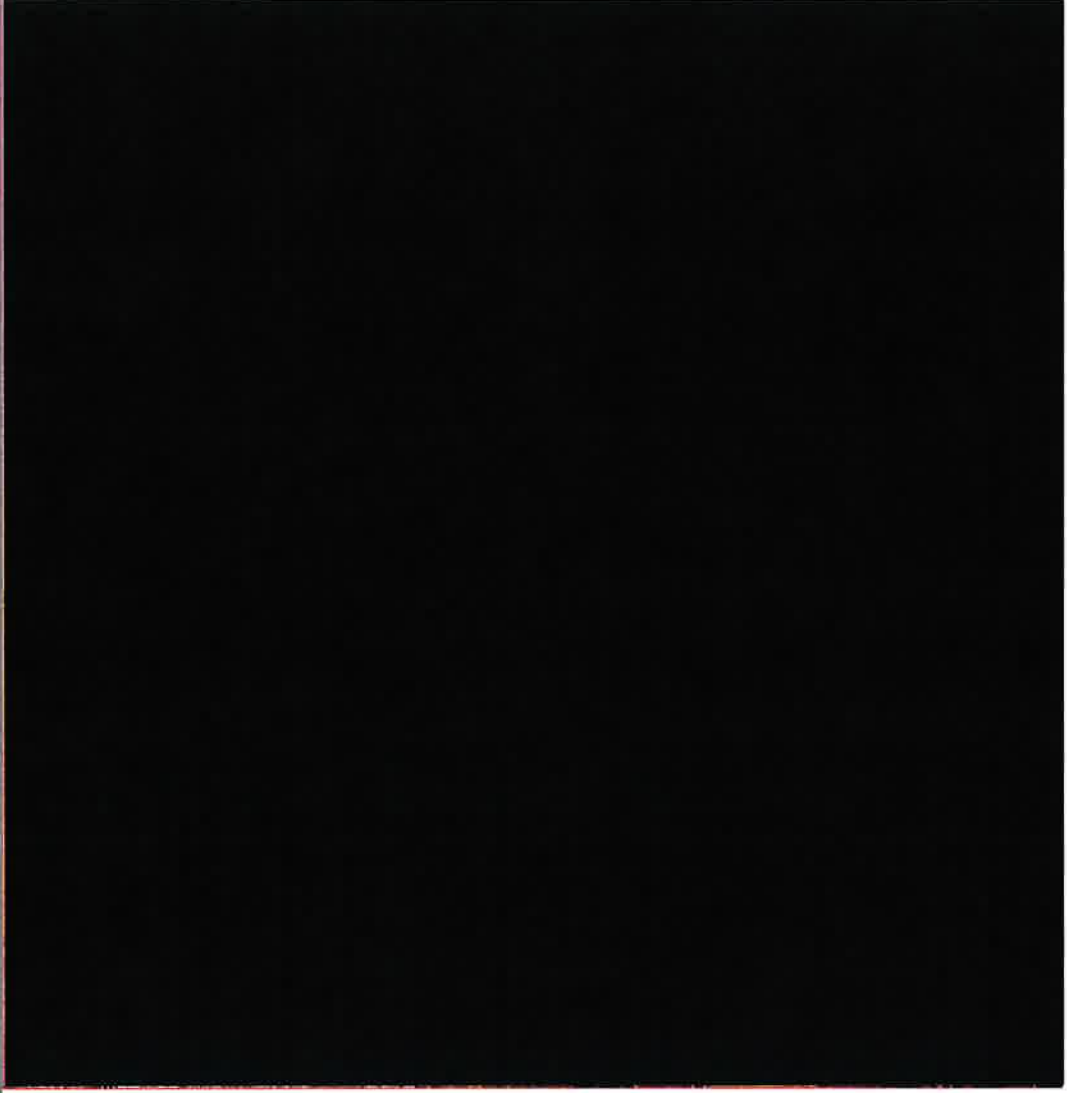
[REDACTED]

[REDACTED]



Proprietary &  
Confidential

## Phase 1 and Phase 2

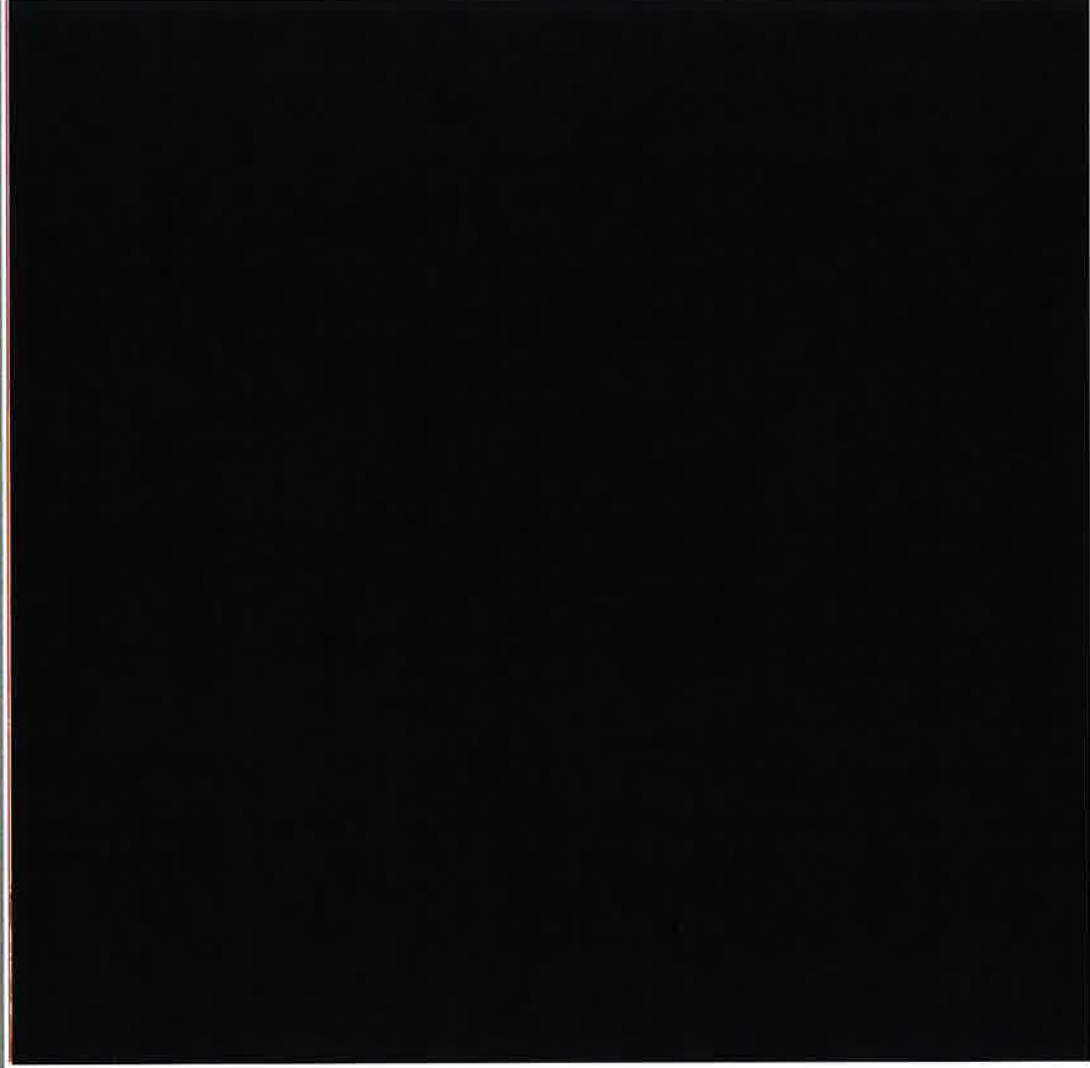


# Phase 2

## Overview

- 680 nodes
- Fiber – Where possible will utilize existing fiber and/or fiber currently under construction
  - [REDACTED]
  - Approximately 1,600 attachments
- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- Target completion timeline:
  - 4Q 2017    Original: 54%    Revised: 7%
  - 2018:       Original: 46%    Revised: 84%
  - 2019:       Original: 0%     Revised: 9%

## Phase 2



## Phase 3

### Overview

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- [REDACTED]
  - Anticipated distribution:
    - ✓ [REDACTED]
    - ✓ [REDACTED]
    - ✓ [REDACTED]
    - ✓ [REDACTED]
- Where possible, will utilize existing fiber
  - [REDACTED]
    - [REDACTED]
- Application submission forecasted to begin in 4Q 2017
- Construction in 2018-2019

## Phase 3



## Phases 1, 2 and 3



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Confidential

# Next Steps?



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Confidential



# Thank You

FOR FURTHER INFORMATION  
PLEASE CONTACT:

Maureen Whitfield  
Manager, Utility Relations  
(724) 416-2791  
[Maureen.Whitfield@crowncastle.com](mailto:Maureen.Whitfield@crowncastle.com)

# Exhibit 14

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Crown Castle  
2000 Corporate Drive  
Canonsburg, PA 15317

May 28, 2019

***VIA OVERNIGHT DELIVERY AND EMAIL***

Mr. Mark Falcone  
Vice President of Support Services  
Commonwealth Edison  
2 Lincoln Centre  
Oakbrook Terrace, IL 60181

**Re: Request for Addition of Contractor as Utility-Approved Contractors**

Dear Mr. Falcone,

Over the past months, Crown Castle personnel and ComEd personnel have discussed the operational delays Crown Castle faces based on delays in ComEd's application processing timelines and lack of timely completion of make-ready.

Pursuant to FCC Order 18-111, effective May 20, 2019, Section 1.1412(c) of the FCC's Rules allows attachers to request the addition to a utility-approved contractor list of any contractor that meets the minimum qualifications in §§1.1412(c)(1)-(5), which provide:

(c) *Contractor minimum qualification requirements.* Utilities must ensure that contractors on a utility-provided list, and new attachers must ensure that contractors they select pursuant to paragraph (b)(i) of this section, meet the following minimum requirements:

- (1) The contractor has agreed to follow published safety and operational guidelines of the utility, if available, but if unavailable, the contractor shall agree to follow National Electrical Safety Code (NESC) guidelines;
- (2) The contractor has acknowledged that it knows how to read and follow licensed-engineered pole designs for make-ready, if required by the utility;
- (3) The contractor has agreed to follow all local, state, and federal laws and regulations including, but not limited to, the rules regarding Qualified and Competent Persons under the requirements of the Occupational and Safety Health Administration (OSHA) rules;
- (4) The contractor has agreed to meet or exceed any uniformly applied and reasonable safety and reliability thresholds set by the utility, if made available; and Federal Communications Commission FCC 18-111;
- (5) The contractor is adequately insured or will establish an adequate performance bond for the make-ready it will perform, including work it will perform on facilities owned by existing attachers.

47 CFR 1.1412(c). To the extent the requested contractors meet the five minimum qualifications, the utility may not unreasonably withhold its consent.

In order to abate further delays associated with completion of make-ready, Crown Castle seeks immediate approval of the following contractor as a utility-approved contractor for the purpose of conducting "self-help complex and above the communications space make-ready" per 47 CFR 1.1412(a), as well as "simple" make-ready work per 47 CFR 1.1412(b). The following contractor has asserted that it meets the

criteria set forth in §§1.1412(c)(1)-(5) and is willing to demonstrate compliance with such criteria on an expedited basis:

**Thayer Power & Communication**

It is our understanding that Thayer Power & Communication is already an approved vendor for ComEd, albeit not a Contractor of Choice. Additionally, Thayer Power & Communication is a utility approved vendor for communications and power work for utilities such as AEP, National Grid, and several others.

As noted above, Crown Castle requests immediate approval of this contractor so that operational delays associated with the deployment of telecommunications facilities and harm to Crown Castle can be mitigated. Crown Castle respectfully requests approval or denial by the close of business on May 30.

Sincerely,



Maureen Whitfield  
Manager, Utility Relations  
(724) 416-2791  
[maureen.whitfield@crowncastle.com](mailto:maureen.whitfield@crowncastle.com)

# Exhibit 15

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An Exelon Company

Legal Services  
Business Services Company  
10 South Dearborn Street, 49<sup>th</sup> Floor  
Chicago, IL 60603  
[www.exeloncorp.com](http://www.exeloncorp.com)

Writer's Direct Number and E-Mail

(312) 394-2632  
[brad.perkins@exeloncorp.com](mailto:brad.perkins@exeloncorp.com)

Writer's Fax Number

(312) 394-3950

June 12, 2019

Ms. Maureen Whitfield  
Manager, Utility Relations  
Crown Castle  
2000 Corporate Drive  
Canonsburg, PA 15317

Dear Ms. Whitfield:

Following up on Mr. Falcone's May 30, 2019 letter to you, this responds to your letter dated May 28, 2019, in which Crown Castle proposes to employ a contractor to perform make-ready construction work on ComEd's poles.

Your letter cites Federal Communications Commission ("FCC") regulations to support Crown Castle's proposal, even though the regulation of pole attachments has rested exclusively with the Illinois Commerce Commission ("ICC") for many years. As ComEd has repeatedly explained, the ICC's 1978 certification to the FCC that it regulates pole attachments preempted the entire field of pole attachments in accordance with the federal Pole Attachment Act. The ICC's "reverse preemption" grants it exclusive jurisdiction over pole attachments, as evidenced by the 1996 Telecommunications Act and subsequent FCC rulings, none of which required states to re-certify following the expansion of FCC jurisdiction in "FCC States," and by the fact that not a single state did re-certify following the 1996 Act.

FCC regulations therefore do not apply, and the ICC for its part has adopted no similar such regulation. As a result, should ComEd grant your request to hire a contractor to modify, relocate and transfer existing electric and communications facilities as part of make-ready construction work, no regulatory rule would support such a decision. Should a Crown Castle contractor damage an existing attacher's facilities, or should some injury result from your contractor's work, ComEd could potentially be held liable for having allowed your contractor to perform such work absent any regulatory mandate.

PUBLIC VERSION


Ms. Maureen Whitfield

Page 2

We understand Crown Castle's strong desire to access ComEd's facilities, and please know that ComEd is working as fast as it can to accommodate Crown Castle's attachments. Of course, if Crown Castle were not asking ComEd to expand capacity by replacing its poles with taller poles, this process would move a lot faster. ComEd to date has been amenable to performing such pole replacements, but ComEd is under no regulatory obligation to do so. As you know, even utilities subject to FCC regulations are not required to expand capacity by replacing poles.<sup>1</sup>

We certainly hope that the headaches and delays associated with pole replacements do not reach the point where ComEd can no longer perform such pole replacements, and we look forward to working with Crown Castle to avoid such a result.

Sincerely,

  
Bradley R. Perkins  
Assistant General Counsel, Regulatory

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<sup>1</sup> *Southern Co. v. FCC*, 293 F.3d 1338, at 1346-48 (11<sup>th</sup> Cir. 2002). See also *Implementation of Section 224 of the Act; A National Broadband Plan for Our Future*, Report and Order and Order on Reconsideration, 26 FCC Rcd 5240, at ¶95 (2011) (“[A]s the court noted in *Southern Company*, mandating the construction of new capacity is beyond the Commission's authority.”).

# Exhibit 16

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**From:** Sirohey, Fahd <Fahd.Sirohey@crowncastle.com>  
**Sent:** Thursday, December 14, 2017 6:03 PM  
**To:** Whitfield, Maureen <Maureen.Whitfield@crowncastle.com>  
**Subject:** FW: Follow up to our conversation on Friday

Mo –

Got your VM. See email sent to Mitchell yesterday. No response yet.

Thanks,  
Fahd

**From:** Sirohey, Fahd  
**Sent:** Wednesday, December 13, 2017 12:57 PM  
**To:** 'MITCHELL, DARRYL:(ComEd)' <[darryl.mitchell@ComEd.com](mailto:darryl.mitchell@ComEd.com)>  
**Subject:** Follow up to our conversation on Friday

Hi Darryl –

Thanks for taking my call last Friday. Please see below a brief follow up on some of the items we discussed:

1. There seems to be a disconnect on construction schedules that Crown has been sharing continually with your team the past 6-8 months. You mentioned that you would like a construction schedule from Crown and that your team will make plans accordingly to meet that schedule. I believe those schedules have been with ComEd for a long time. Our construction schedule assumes 150 days from application submission to getting permits to attach. The Crown team will work on a more streamlined tracker which clearly outlines ComEd's due date for each application so that there is no more confusion moving forward. The Crown team will be scheduling a meeting before 12/25 with your team to clarify the schedules one more time but with the more streamlined tracking we plan to put in place our expectation is for ComEd to take more of a lead with managing key requirements/milestones from the time we submit the application to permit issuance.
2. I would like to note all our construction schedules are based on a 150 day timeline for permitting and as such ComEd pulling in any application earlier than 150 days does not speed up our site turn up schedule as there may be other gating items on the sites that are fed by those routes which would really not allow us to accelerate our schedule just because of the early ComEd permit. Furthermore, we will continue to manage our construction resources according to the cycle time of 150 days.

**PUBLIC VERSION**

3. Evaluation of the 10 rescinded permit routes is underway but Crown needs the red tag data to effectively assess alternate designs. We have still not received any of that data. At this point we are weighing various options on the rescinded permit routes, one of them being 10 other replacement routes to be fully permitted in December if it helps with our construction schedule or paying the make-ready for these 10 routes if we can confirm that the existing route is most cost effective per the red tag data. Receiving the red tag from ComEd will be critical to this effort.
4. Crown would like assurances that rescinding permits will not continue to happen. You mentioned that you had come up some checks and balances to ensure this would not happen again. As discussed this causes us to do a lot of re-work especially when the permits are rescinded 5 weeks after being issued.
5. The detailed 2018 forecast is being compiled by the Crown team and will be shared with your team by mid-January.

I look forward to hearing from you soon.

Thanks,  
Fahd

**FAHD SIROHEY**

Regional Director of Implementation – Central Region  
Small Cell & Fiber Solutions  
T: (972) 457-9120 | M: (703) 314-4772

**CROWN CASTLE**

6191 N State Hwy 161, Suite 200, Irving TX 75038  
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This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

## Appel, Ryan

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**From:** Whitfield, Maureen <Maureen.Whitfield@crowncastle.com>  
**Sent:** Thursday, October 26, 2017 1:23 PM  
**To:** 'RICHARDSON, DARYL:(ComEd)'  
**Cc:** 'PATEL, TARAL:(ComEd)'; 'PARKS, DARYL A:(ComEd)'; darryl.mitchell@comed.com; Sirohey, Fahd; Rajamani, Karmen  
**Subject:** RE: Crown and ComEd meeting (10/11/2017) - ACTION ITEMS STATUS  
**Importance:** High

Daryl

We've evaluated your proposal and the attached documents. Unfortunately, this plan as it currently stands falls well short of our 2017 needs. To elaborate:


### FIBER

- Your proposal indicates 40 fiber routes will be completed and permitted by the end of the year.
- Per the reports we provided yesterday, we are forecasting that 119 fiber permits are due in November and an additional 45 in December.
- $40/(119+45) = 24\%$  proposed completion rate


### NODE:


- Your attached spreadsheet lists 31 node applications to be completed and permitted in November vs a total of 62 as you indicate – 50% of the target
- In December, our forecast indicates permits are due for 111 sites.
- Assuming you are calling "Crown priority" sites those where we have indicated a monthly priority in a designated column, this only accounts for 44 of the 111 sites or 39%

I note that you're indicating that ComEd will complete all "Crown priority" sites by year end. I presume that you are interpreting a "crown priority" based on the "make ready priority" columns we collectively agreed to add to the CCC tracker. Please recall that the nature of the discussion surrounding this detail was to provide ComEd with a stack ranking if you will, in order to best prioritize work internally. It was communicated (see excerpt below) that Crown's expectation was that the full quantity of forecasted permits would be issued as due each month. See highlighted excerpts below and full email attached:

 Fri 10/13/2017 4:45 PM  
**Whitfield, Maureen**  
**tracker and MR CWA priorities**

To: Parks, Daryl A:(ComEd); Richardson, Daryl:(ComEd)  
 Cc: Gent, Dennis; Corney, Mike

 You forwarded this message on 10/18/2017 3:45 PM.  
 This message was sent with High importance.

 CCC Tracker\_OneDrive\_WORKING\_10-13-17.xlsx  
 710 KB

Daryl and Daryl

I thought it would be helpful for me to provide you with the latest tracker AND filtering instructions so you can get to the targeted application populations that r discussed the challenges in prioritizing (keeping within arrangement agreed upon between Mr. Mitchell and Crown's Fahd Sirohey, but also ensuring we give you the filtering instructions below which will get you to the "Agreed" upon targets. Then, there are also comments about the prioritization details, to allow you to:

- 1) Prioritize the target items due each month
- 2) Have insight into our first cut at priority

The project team is working to develop a more succinct and targeted priority list but I wanted to give you this to at least get started. Hopefully these instructions

NOTE: Original analytics sent last week indicated 138 of 241 node apps on wood utility poles were within 90 days of forecasted permit issuance – since an additional that number is 198

**\*\*\*Ensure all filters are off\*\*\***

Then filter each column as noted to arrive at the subset of data:

**CN – node wood utility – permits due in NOV:**

Col I – CN only  
 Col K – wood utility only  
 Col P – DONE only  
 Col AW – select BLANKS only  
 Col V – select November 2017 only

Results should be 15 nodes  
 You can then see MR categorization by reviewing col AF

4 – no MR  
 1 – Minor  
 6 – Major  
 4 – not yet categorized

**To see the priority sites for this month – review Column W:**

- Priority sites are labeled "priority"
- Those that are still needed in current month but aren't as urgent are blank
- Those that can be deferred only if necessary have a future month listed- ideally if deferring you are selecting pr

We acknowledge your point that payment is a condition that must be met before work can proceed. We are and have been anxiously awaiting delivery of said invoices so we can pay them.

Additionally, there are continued and now heightened concerns with when and how we will be able to reach a steady state of consistent, timely processing and reliable predictability on the established timeframes as we move into 2018 and a tripling of application volumes.

**PUBLIC VERSION**

We urgently ask that a more reasonable proposal be considered, which would allow us to engage contractors of choice directly, in order to assist with the design and construction volumes at hand.

Thank you

**MAUREEN A. WHITFIELD**

Manager, Utilities Relations

Small Cell & Fiber Solutions

T: (724) 416-2791 | M: (724) 914-7818

**CROWN CASTLE**

2000 Corporate Drive, Canonsburg, PA 15317

[CrownCastle.com](http://CrownCastle.com)

**From:** RICHARDSON, DARYL:(ComEd) [mailto:Daryl.Richardson@ComEd.com]

**Sent:** Thursday, October 26, 2017 12:08 AM

**To:** Whitfield, Maureen <Maureen.Whitfield@crowncastle.com>

**Cc:** PATEL, TARAL:(ComEd) <Taral.Patel@ComEd.com>; PARKS, DARYL A:(ComEd) <Daryl.Parks@ComEd.com>; PARKS, DARYL A:(ComEd) <Daryl.Parks@ComEd.com>

**Subject:** RE: Crown and ComEd meeting (10/11/2017) - ACTION ITEMS STATUS

Maureen

Please see information regarding today's deliverables below. Note that the dates provided would be delayed if Crown cannot turn around payment within 72 hours. In addition dates are contingent on favorable weather conditions in the ComEd territory, and also making the assumption that ComEd would not be supporting any mutual assistance events.

The numbers are based on the updated information Carla sent today, which states that there are 62 node applications and 80 fiber applications due in November.

- ComEd will provide construction complete schedule for 50% or 40 of Nov fiber apps and 50% or 31 of Nov node apps.(See Attachments)
  - ComEd will complete 50% (31)of the node applications due in November by 11/17.
  - ComEd will complete 50% (40) of the Fiber applications due in November by 12/20
- ComEd to identify all work it expects to complete in 2017
  - ComEd will complete all of Crown's November & December Priority Node applications by 12/15
  - ComEd will complete all of Crown's November & December Priority Fiber applications by 12/29

Please review the attached spreadsheets and validate that we are targeting your highest priority node and fiber applications and they are scheduled to complete in the order that meets your immediate needs.

Daryl

---

**From:** Whitfield, Maureen [mailto:Maureen.Whitfield@crowncastle.com]

**Sent:** Thursday, October 19, 2017 2:16 PM

**To:** MITCHELL, DARRYL:(ComEd); Sirohey, Fahd; RICHARDSON, DARYL:(ComEd)

PUBLIC VERSION

**Subject:** [EXTERNAL] RE: Crown and ComEd meeting (10/11/2017) - ACTION ITEMS STATUS

**Importance:** High

Gentlemen-

Our first milestones dates have been reached – updated status is as follows –

Can you please provide an ETA on the construction complete schedules for the past due items?

Owner	Action Item	Due Date	Status	Comments
Crown	Crown to establish monthly meeting between Darryl M and Fahd S to discuss progress and pain points	ASAP	50% complete	Proposed date/time sent out on 10/18; awaiting feedback
Crown	Crown to provide application prioritization by ComEd region	ASAP	Complete	Provided on 10/13
Crown	Crown will validate quantity of service connection needs that require secondary/lateral work and an associated CWA and provide to ComEd for review and estimate	ASAP	Complete	Provided to D. Richardson on 10/18
ComEd	ComEd will provide construction complete schedule for 6 fiber apps due in Oct	10/18	66% Complete	Permits issued for 4 of 6 routes; 2 routes pending construction complete schedule and MR CWA's on: 17-0603-CS (Maywood) 17-0604-CS (Maywood)
ComEd	ComEd will provide construction complete schedule for 50% or 61 of Nov fiber apps and 50% or 28 of Nov node apps	10/25		
ComEd	ComEd to identify all work it expects to complete in 2017	10/25		
ComEd	ComEd will provide construction complete schedule for remaining 50% or 61 of Nov fiber apps and 50% or 28 of Nov node apps	11/5		
ComEd	ComEd will provide construction complete schedule for 100% or 47 of Dec fiber apps and 100% of 74 of December node apps	11/22		

**MAUREEN A. WHITFIELD**

Manager, Utilities Relations

Small Cell & Fiber Solutions

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**CROWN CASTLE**

2000 Corporate Drive, Canonsburg, PA 15317

PUBLIC VERSION

[CrownCastle.com](http://CrownCastle.com)

**From:** Whitfield, Maureen  
**Sent:** Thursday, October 12, 2017 4:37 PM  
**To:** 'darryl.mitchell@comed.com' <[darryl.mitchell@comed.com](mailto:darryl.mitchell@comed.com)>; Sirohey, Fahd <[Fahd.Sirohey@crowncastle.com](mailto:Fahd.Sirohey@crowncastle.com)>; Richardson, Daryl:(ComEd) <[Daryl.Richardson@ComEd.com](mailto:Daryl.Richardson@ComEd.com)>  
**Subject:** RE: Crown and ComEd meeting (10/11/2017) - summary notes and action items- REVISED

All

Additional revisions in GREEN below – thank you

**MAUREEN A. WHITFIELD**  
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Small Cell & Fiber Solutions  
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**CROWN CASTLE**  
2000 Corporate Drive, Canonsburg, PA 15317  
[CrownCastle.com](http://CrownCastle.com)

**From:** Whitfield, Maureen  
**Sent:** Thursday, October 12, 2017 2:50 PM  
**To:** 'darryl.mitchell@comed.com' <[darryl.mitchell@comed.com](mailto:darryl.mitchell@comed.com)>; Sirohey, Fahd <[Fahd.Sirohey@crowncastle.com](mailto:Fahd.Sirohey@crowncastle.com)>; Richardson, Daryl:(ComEd) <[Daryl.Richardson@ComEd.com](mailto:Daryl.Richardson@ComEd.com)>  
**Subject:** RE: Crown and ComEd meeting (10/11/2017) - summary notes and action items

Apologies - Additional action item noted below in RED

**MAUREEN A. WHITFIELD**  
Manager, Utilities Relations  
Small Cell & Fiber Solutions  
T: (724) 416-2791 | M: (724) 914-7818

**CROWN CASTLE**  
2000 Corporate Drive, Canonsburg, PA 15317  
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**From:** Whitfield, Maureen  
**Sent:** Thursday, October 12, 2017 2:44 PM  
**To:** [darryl.mitchell@comed.com](mailto:darryl.mitchell@comed.com); Sirohey, Fahd <[Fahd.Sirohey@crowncastle.com](mailto:Fahd.Sirohey@crowncastle.com)>; Richardson, Daryl:(ComEd) <[Daryl.Richardson@ComEd.com](mailto:Daryl.Richardson@ComEd.com)>  
**Subject:** Crown and ComEd meeting (10/11/2017) - summary notes and action items  
**Importance:** High

All-

I've taken the liberty of capturing summary notes and action items from our discussion yesterday. Please advise if I've captured anything incorrectly. Many thanks for your time and attention. We value the candid discussion and look forward to continued collaboration.

**ComEd:**  
Darryl Mitchell – Director, Engineering & Work Mgmt - Chicago Region  
Daryl Richardson - Manager, New Business Chicago North



**Crown Castle:**

Fahd Sirohey – Central Region Director of Implementation

Maureen Whitfield – Manager, Utility Relations

**Discussion Summary:**

- Current Phase 2 build concerns:
  - Fiber applications:
    - 176 of 200 applications are within 90 days of forecasted permit issuance and 0 have hit construction schedule
      - 6 are due in October
      - 122 are due in Nov
      - 47 are due in Dec
      - 1 due in Jan
  - Node applications on wood utility poles:
    - 138 of 241 applications are within 90 days of forecasted permit issuance and 0 have hit construction schedule
      - 56 are due in November
      - 74 are due in December
      - 6 due in first week of Jan
  - Power only/Service connections:
    - 170 accounts have no disposition and no insight as to whether ComEd work will be required to bring power to the site
    - 101 of 271 have disposition (No Make-Ready or Make Ready/lateral work needed)
      - 70 have not MR and will follow normal SWO process
      - 31 accounts will require secondary/lateral work resulting in an engineering design/estimate
- Phase 3 build volumes and application timing
  - [REDACTED] nodes and associated fiber
  - New equipment specs and configurations to be presented to ComEd standards on Tuesday 10/17
  - Fiber applications expected to start hitting ComEd pipeline in December

**Action Items:**

- Establish monthly meeting between Darryl M and Fahd S to discuss progress and pain points
- Crown to provide application prioritization by ComEd region
- 10/18 = ComEd will provide construction complete schedule for 6 fiber apps due in Oct
- 10/25 = ComEd will provide construction complete schedule for 50% or 61 of Nov fiber apps AND the quantity of nodes it can complete construction for in 2017 (target is 56+74=130) 50% or 28 of Nov node apps
- 10/25 = target to identify all work that ComEd expects to complete in 2017
- 11/5 = ComEd will provide construction complete schedule for remaining 50% or 61 of Nov fiber apps 50% or 28 of Nov node apps
- 11/22 = ComEd will provide construction complete schedule for 100% or 47 of Dec fiber apps and 100% of 74 of December node apps
- Crown will validate quantity of service connection needs that require secondary/lateral work and an associated CWA and provide to ComEd for review and estimate



Best Regards

**MAUREEN A. WHITFIELD**

Manager, Utilities Relations  
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2000 Corporate Drive, Canonsburg, PA 15317

[CrownCastle.com](http://CrownCastle.com)

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# Exhibit 17

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Crown Castle  
2000 Corporate Drive  
Canonsburg, PA 15317

April 26, 2019

**VIA CERTIFIED MAIL**

Mr. Vito Martino  
VP Distribution Operations – Chicago Region  
Commonwealth Edison  
7601 S. Lawndale  
Chicago, IL 60652

**Re: Request For Executive Level Negotiations Of Pole Attachment Dispute**

Dear Mr. Martino,

As set forth below, this letter constitutes Crown Castle NG Central LLC n/k/a Crown Castle Fiber LLC's ("Crown Castle") request for a final executive level negotiation to seek to resolve on-going disputes between Crown Castle and ComEd regarding ComEd's pole attachment rates, terms, and conditions in Illinois.

Specifically, Crown Castle seeks to have an in-person meeting to be attended by representatives of ComEd who have sufficient authority to make binding decisions on behalf of the company regarding the subject matter of the following issues regarding Crown Castle's attachment to ComEd-owned poles in Illinois.

Survey and Make-Ready Estimate Delays for Wireless Node Attachments – Per the FCC's regulations,<sup>1</sup> ComEd is required to complete pre-construction surveys no later than 60 days from the date that Crown Castle submits pole attachment applications.<sup>2</sup> From March 2018 to March 2019, Crown Castle submitted 1,667 applications for node attachments to ComEd poles, 856 (51%) of which are still pending. Of these 856 pending applications, ComEd has yet to complete pre-construction surveys for 130 of them, and has failed to perform pre-construction surveys within 60 days on 110. Despite Crown Castle's diligent follow-up, ComEd has failed to demonstrate any effort to promptly rectify this issue.

ComEd's procrastination is not limited to pre-construction surveys. As ComEd is well aware, ComEd is required to issue make-ready cost estimates no later than 14 days from completion of the pre-construction survey (74 days from the submission of a complete pole attachment application - large).<sup>3</sup>

<sup>1</sup> The FCC's Rules govern Crown Castle's attachments to ComEd poles in Illinois because even though the Illinois Commerce Commission has "certified" that it regulates pole attachments, that certification and the ICC's rules apply only to attachments by cable television operators. The ICC has not adopted rules governing attachments by telecommunications providers, and accordingly, jurisdiction over such attachments remains with the FCC. *See e.g., Implementation of Section 703(e) of the Telecommunications Act of 1996*, Report and Order, CS Docket No. 97-151, 13 FCC Rcd 6777, 6781 n. 20 (Feb. 6, 1998); *see also Implementation of Section 703(e) of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, CS Docket No. 97-151, 12 FCC Rcd 11725, 11727 n. 13 (Aug. 12, 1997).

<sup>2</sup> 47 C.F.R. § 1.1411(c)(3)(i).

<sup>3</sup> 47 C.F.R. § 1.1411(d).

Crown Castle has been waiting well over 74 days for make-ready estimates for 287 (34%) of the 856 pending applications. In some cases, Crown Castle has been awaiting make-ready estimates for **over a year**.

Ultimately, of the 856 currently pending wireless applications, ComEd has failed to take final action on 237 of them within the 223 days ultimately required under the FCC's Rules if we assume these qualify as large orders. At least 124 of the applications have been pending over 9 months and 17 of the applications have been pending over 12 months.

Survey and Make-Ready Estimate Delays for Fiber Attachments –

Crown Castle has also submitted a number of applications for *fiber* attachments over the past year, and, like the node applications, ComEd has failed to process these applications in accordance with FCC timeframes. Since May 2018, Crown Castle has submitted 1691 fiber applications, nearly half of which (836) are still pending. Of the currently pending applications, 34 have been pending more than 60 days without ComEd having completed the pre-construction survey. Some of these surveys are overdue by as many as 297 days.

More notably, ComEd has failed to provide make-ready estimates for 440 (53%) of the pending applications within 74 days from submission of these applications. Crown Castle has been waiting for most of these estimates for at least 78 days and in some cases almost a year (350 days).

Of the 836 currently pending fiber applications, ComEd has failed to take final action on 560 (67%) of them within the 193 days ultimately required under the FCC's Rules if we assume these qualify as large orders.

ComEd's failure to process pole attachment applications in timely manner is not only unreasonable, but it is unlawful and has jeopardized Crown Castle's relationships with its customers. Crown Castle demands that ComEd immediately complete any outstanding pre-construction surveys and promptly issue all overdue make-ready cost estimates to Crown Castle.

Pursuant to Rule 1.722(g) of the FCC's Rules, Crown Castle seeks to have the requested executive level meeting before May 3, 2019. Please respond to this letter and provide potential dates when ComEd authorized executives can be available.

Sincerely,



Karen Rohrkemper  
Vice President, Engineering & Operations, Central Region  
513.478.4448  
[Karen.Rohrkemper@crowncastle.com](mailto:Karen.Rohrkemper@crowncastle.com)

**May 2, 2019**

**Ms. Karen Rohrkemper**  
**Vice President, Engineering and Operations, Central Region**  
**Crown Castle**  
**2000 Corporate Drive**  
**Canonsburg, PA 15317**

**Dear Ms. Rohrkemper:**

**This responds to your letter to me dated April 26, 2019, in which Crown Castle requests “a final executive level negotiation to seek to resolve on-going disputes between Crown Castle and ComEd regarding ComEd’s pole attachment rates, terms, and conditions in Illinois.”**

**As you know, to date the parties have held multiple executive level meetings and working-group meetings to address the issues Crown raised in its October 25, 2018 letter, and ComEd has been actively engaged in addressing those issues and working in good faith to reach an amicable resolution. We expect that Crown has also been working in good faith. Your April 26, 2019 letter, however, ignores those earlier discussions and instead raises make-ready timing issues that were not raised in Crown’s October 2018 letter and about which the parties have had no executive-level discussions at all. While ComEd is willing to entertain an executive-level meeting to hear and, if appropriate, address Crown’s make-ready timing concerns, this meeting will be the first executive-level negotiation to address these issues, not the “final executive level negotiation.”**

**We are reviewing the numerous factual allegations in your letter and look forward to meeting with you following our review. Your request to meet prior to May 3 is not possible, but our executives are available the following dates in our Oakbrook Terrace office at 2 Lincoln Centre, Oakbrook Terrace, IL 60181: Friday, May 10<sup>th</sup>, 3:00-4:00pm; Monday, May 13<sup>th</sup>, 12:00-1:00pm or Wednesday, May 15<sup>th</sup>, 9:00-10:00am.**

**Like other correspondence ComEd has received from Crown Castle, your letter alleges violations of Federal Communications Commission (“FCC”) regulations, even though the regulation of pole attachments has rested exclusively with the Illinois Commerce Commission (“ICC”) for many years. In 1978, the ICC certified to the FCC that it regulates pole attachments, thus preempting the entire field of pole attachments in accordance with the federal Pole Attachment Act. The fact that the ICC’s “reverse preemption” grants it exclusive jurisdiction over pole attachments is evidenced by the 1996 Telecommunications Act and subsequent FCC rulings, none of which required states to re-certify following the expansion of FCC jurisdiction in “FCC States,” and by the fact that not a single state did re-certify following the 1996 Act.**

We know already that make-ready survey and construction work requires considerably more time when pole replacements are involved, and even the FCC cannot mandate pole replacements.

The Pole Attachment Act allows utilities to deny access for lack of capacity:

Notwithstanding paragraph (1), a utility providing electric service may deny a cable television system or any telecommunications carrier access to its poles, ducts, conduits, or rights-of-way, on a non-discriminatory basis where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.<sup>1</sup>

Electric utilities, in other words, need not expand capacity to accommodate attaching entities,<sup>2</sup> and the FCC agrees: “[A]s the court noted in *Southern Company*, mandating the construction of new capacity is beyond the Commission’s authority.”<sup>3</sup> The installation of new poles as well as the replacement of insufficiently short poles with taller poles constitutes an obvious expansion of capacity.

Since utility pole owners are not required to expand capacity to accommodate attaching entities, the FCC itself explained it is not at liberty to impose make-ready deadlines governing the pole replacement process: “We also incorporate ... the Coalition Proposal request to exclude from this timeline pole replacement and attachment of wireless equipment.”<sup>4</sup>

Finally, as ComEd has explained before, a question exists whether Crown is providing any telecommunications service at all on each and every one (or indeed any) of the ComEd’s poles to which Crown is attached. As we all know, construction companies do not have pole attachment rights.

<sup>1</sup> 47 U.S.C. §224(f)(2).

<sup>2</sup> This determination has been upheld by the 11<sup>th</sup> Circuit. In *Southern Company v. FCC*, utility petitioners objected to the Commission’s 1999 decision that “utilities must expand pole capacity to accommodate requests for attachment in situations where it is agreed that there is insufficient capacity on a given pole to permit third-party pole attachments.” *Southern Co. v. FCC*, 292 F.3d 1338, 1347 (11<sup>th</sup> Cir. 2002), quoting *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, First Report and Order, 11 FCC Rcd 15499 (1996), *aff’d*, Order on Reconsideration, 14 FCC Rcd 18049 (1999). The 11<sup>th</sup> Circuit held that the plain language of Section 224(f)(2) explicitly prevents the Commission from mandating pole replacements: “When it is agreed that capacity is insufficient, there is no obligation to provide third parties with access to that particular ‘pole, duct, conduit, or right-of-way.’” *Southern Co. v. FCC*, 292 F.3d 1338, 1347 (11<sup>th</sup> Cir. 2002). The court further noted that “the FCC’s attempt to mandate capacity expansion is outside of its purview under the plain language of the statute.” *Id.*

<sup>3</sup> *Implementation of Section 224 of the Act: A National Broadband Plan for Our Future*, Report and Order and Order on Reconsideration, 26 FCC Rcd 5240, at ¶95 (2011).

<sup>4</sup> *In re Implementation of Section 224 of the Act: A National Broadband Plan for Our Future*, Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 11864, at ¶ 33 (2010).



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**We look forward to addressing Crown Castle's concerns during our meeting and hope to resolve this matter to our mutual satisfaction. Please let us know which dates work for you and your team.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Mark A. Falcone". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Mark A. Falcone**