

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

CROWN CASTLE FIBER LLC,

*Complainant,*

v.

COMMONWEALTH EDISON COMPANY,

*Respondent.*

File No.

**COMPLAINANT’S FIRST SET OF INTERROGATORIES WITH DENIAL OF ACCESS  
POLE COMPLAINT**

Pursuant to 47 C.F.R. § 1.730, Crown Castle Fiber LLC (“Crown Castle” ) requests that Defendant Commonwealth Edison Company respond to the following interrogatories within twenty (20) days of service. These interrogatories are governed by the following definitions and instructions:

**DEFINITIONS**

1. The terms “ComEd,” “You,” “Your,” or “Yourself,” as used herein, mean the Commonwealth Edison Company and any employees, members, agents, elected officials, appointed officials, and any other persons acting on Your behalf or under Your direction or control who could reasonably be expected to have personal knowledge that would affect the completeness and accuracy of responses made to these interrogatories.
2. The terms “Crown Castle,” or “Complainant,” as used herein, mean Crown Castle Fiber LLC.
3. “And” and “or” as used herein are inclusive, and shall be construed either

disjunctively or conjunctively as necessary to bring within the scope of the request matters that might otherwise be construed to be outside its scope.

4. The terms “any” and “all” shall each mean “any and all”.

5. The term “communication,” as used herein, means and includes any transmission or exchange of information between two or more persons, whether orally or in writing, and including without limitation all oral, visual, or other sensory (including electronic) means of transmitting information, messages, or statements. Communications are included within the scope of the definition of documents above.

6. “Describe,” “discuss,” or “analyze,” when used with reference to a request for documents, means any document that, in whole, in part, or in any way, characterizes, evaluates, appraises, assesses, refers to, relates to, regards, characterizes, alludes to, responds to, is connected with, comments on, is about, contrasts, compares, contradicts, analyzes, or in any way pertains to or provides a general explanation of the specified subject.

7. The term “document,” as used herein, means and includes without limitation the following items, whether printed, microfilmed, electronically recorded in sound and/or pictures, stored in computer memory or in a computer database, or reproduced by any process, or written or produced by hand, and regardless of whether claimed to be privileged or confidential or personal: guidelines, instructions, letters, correspondence, memoranda, reports, summaries, notes, notebooks, sketches, prints, photographs, printed forms, manuals, brochures, diaries, books, lists, publications, agreements, working papers, internal and external communications, forecasts, statistical statements, graphs, charts, plans, drawings, minutes or records of meetings or conferences, policy statements, circulars, and any and all other writings. The above includes any and all other materials of any tangible medium of expression and original or preliminary

notes, including drafts, typings, printings, minutes, or copies or reproductions thereof that are now or have ever been in Your possession, custody or control.

8. “Including” means including but not limited to.

9. “Information” means data of any kind recorded in any language, including machine language and recorded numerically, and in any form of expression.

10. The terms “identify,” “identity,” “identification,” “state,” “describe,” or “explain,” as used herein,

a. in the case of a document, either the title of the document, the author, the title or position of the author, the addressee, the title or position of the addressee, the type of document, the date it was prepared, the number of pages it comprises, and the identity of all persons indicated as receiving copies of the document, its subject matter, its present location or custodian,

b. when used with respect to a fact, event, or action shall mean to provide the complete and full details (including date, time, and place) concerning such fact, event, or action, including the identity, as defined above, of all documents, communications, and persons that reflect, refer, relate, evidence, or pertain in any way to such fact, event, or action.

c. in the case of geographic boundaries, location, or coverage, a narrative description with sufficient detail to render the description identifiable, or if one is already in existence, a map, drawing, or other visual/graphic depiction of the area.

11. The terms or phrases “identify,” “describe,” “state the factual basis for,” or “state the legal basis for,” as used herein, when used with respect to an allegation, contention, or claim, shall mean to provide the complete and full details concerning or supporting the allegation,

contention, or claim, including the identity, as defined above, of all persons with knowledge and all documents that reflect, refer, relate, evidence, or pertain in any way to the allegation or contention; the legal bases for such allegation, contention, or claim; any evidence or conduct that supports the allegation or contention; and, if you have secured a written, oral, or recorded statement concerning the allegation or contention, the person who gave the statement, the person to whom the statement was made, the date, time, and place the statement was given, and the statement's form and present location.

12. The terms "relating to," "relate(s)," "related to," or "concerning," as used herein, shall mean constituting, comprising, consisting of, setting forth, describing, discussing, citing, regarding, pertaining to, mentioning, proposing, showing, disclosing, containing, analyzing, explaining, summarizing, supporting, evidencing, authorizing, concerning, embodying, reflecting, identifying, incorporating, considering, recommending, continuing, enumerating, dealing with, commenting on, referring to directly or indirectly, dealing with, or in any way pertaining to, in whole or in part.

### **INSTRUCTIONS**

1. These interrogatories are continuing in nature. If You obtain additional information, a supplemental response shall be promptly furnished.

2. In answering these interrogatories, furnish all information, however obtained, including hearsay, that is available to You, including information known by or in the possession of Yourself, Your employees, subcontractors, experts, Your attorney, or appearing in Your documents, not merely information within the personal knowledge of the individual(s) executing Your answers to these interrogatories.

3. If You cannot answer the following interrogatories in full after exercising due diligence to secure the information, so state, and answer to the extent possible. Specify the reason for Your inability to answer the remainder, and state whatever information or knowledge You have concerning the unanswered portion.

4. To the extent You consider any of the following interrogatories, or subparts thereof, to be objectionable, answer that portion of the interrogatory, or subpart thereof, to which You have no objection and separately state the portion of the interrogatory, or subpart thereof, to which You have an objection and state the specific grounds therefore.

5. Should You claim a privilege in connection with any of Your responses, You shall identify the privilege claimed and produce an index identifying any document(s) withheld under a claim of privilege (in the manner indicated by the definition of “Identify” above). You shall state all facts that demonstrate why the information or the document(s) sought by any of the following interrogatories are entitled to the privilege asserted. Failure to produce the required index or to state the facts supporting the claim of privilege shall be a waiver of any privilege as to the information or document(s) withheld.

### **FIRST SET OF INTERROGATORIES**

1. Describe all documents related to ComEd’s Pole Inspection program.
2. Describe the criteria or standards, including pole strength and structural integrity, that ComEd uses during pole inspections to determine whether a pole is classified as a Priority Non-Restorable (Replacement) Reject Pole, Non-Priority Non-Restorable (Replacement) Reject Pole, Priority Restorable (Reinforcement/C-Truss) Reject Pole, or Non-Priority Restorable (Reinforcement/C-Truss) Reject Pole.

3. State whether ComEd conducts Load Calculations of actual conditions on poles designated as “red tagged,” and if it does, for each pole for which Crown Castle has applied to attach that ComEd claims is red tagged, describe the Load Calculations performed, if any, including an explanation of the methodology that ComEd used to conduct the Load Calculations.

4. If ComEd performs load calculations for Non-Priority Non-Restorable (Replacement) Reject Poles, identify the “set time frame” that ComEd works within to perform those load calculations for Non-Priority Non-Restorable (Replacement) Reject Poles.

5. For each and every pole that Crown Castle has applied to attach to that ComEd has designated as red tagged, state the basis for denying Crown Castle access to each and every one of those poles.

6. Describe the basis for prohibiting Crown Castle to install temporary fiber and wireless attachments on poles that ComEd has classified as “red tagged.”

7. If You contend that ComEd does not have sufficient resources to process Crown Castle’s applications for attachments within timelines prescribed by the Federal Communications Commission, identify all facts and assumptions on which you rely to support such contention.

8. Explain Your basis for prohibiting Crown Castle from directing third party contractors, approved by ComEd, to complete pre-construction surveys, make-ready estimates, or make-ready work.

9. Since January 1, 2014, for each and every red tag pole designated by You as Priority Non-Restorable (Replacement), Priority Restorable, Non-Priority Non-Restorable (Replacement), or Non-Priority Restorable, identify the date the pole was designated as red tag, the date it was replaced, and the standards or criteria used to designate it as Priority Non-

Restorable (Replacement), Priority Restorable, Non-Priority Non-Restorable (Replacement), or Non-Priority Restorable.

10. Describe ComEd's pole inspection program, including but not limited to the scope of work for inspecting wood poles, such as the steps, if any, that are include in addition to visual inspection and any remedial treatments applied during the inspection.

Respectfully submitted,

/s/ T. Scott Thompson  
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Date submitted: June 19, 2019

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2019, I caused a copy of the foregoing Complaint, exhibits and declarations in support thereof, to be served on the following (service method indicated):

Marlene J. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554  
(original and four copies by hand delivery)

Commonwealth Edison Company  
440 South LaSalle Street  
Chicago, IL 60605

/s/ T. Scott Thompson  
T. Scott Thompson