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Writer's Direct Access
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July 22, 2019

Via ECFS

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

**Re: Commonwealth Edison Company's First Set of Interrogatories to
Complainant Crown Castle Fiber LLC (Proceeding Number 19-170;
Bureau ID Number EB-19-MD-005)**

Ms. Dortch:

Please find attached Commonwealth Edison Company's First Set of Interrogatories to Complainant Crown Castle Fiber LLC in Proceeding Number 19-170; Bureau ID Number EB-19-MD-005.

Sincerely,



Timothy A. Doughty
Attorney for Commonwealth Edison Company

Enclosures

cc: Rosemary McEnery, Enforcement Bureau
Adam Suppes, Enforcement Bureau

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

_____)	
)	
Crown Castle Fiber LLC)	
<i>Complainant,</i>)	
)	Proceeding Number 19-170
v.)	Bureau ID Number EB-19-MD-005
)	
Commonwealth Edison Company,)	
<i>Defendant</i>)	
_____)	

**DEFENDANT’S FIRST SET OF
INTERROGATORIES TO COMPLAINANT**

Commonwealth Edison Company (“ComEd”), pursuant to the Notice of Formal Complaint issued on June 21, 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 this First Set of Interrogatories to Complainant Crown Castle Fiber LLC’s (“Crown Castle”). ComEd hereby requests that the Complainant Crown Castle respond to the following First Set of Interrogatories fully, in writing, and that said written responses be signed and served upon counsel for ComEd within twenty (20) days after service. Consistent with Rule 1.730(b), all of the information requested herein pertains to ComEd’s Answer to Crown Castle’s complaint. As set forth in the instructions, ComEd is not seeking information that is available from any source other than Crown Castle. These interrogatories are governed by the following definitions and instructions:

DEFINITIONS

1. The terms “you,” or “your,” as used herein, means the Complainant Crown Castle and any and all employees, members, agents, and any other persons acting on your behalf or under your direction or control.
2. The term “Complainant” and “” mean and refer to Crown Castle, all affiliated entities doing business as “Crown Castle,” and all entities doing business as “Crown Castle” over which Complainant exercises control or that exercise control over Complainant.

“Complainant” and “Crown Castle” include any persons associated with it, including, but not limited to, officers, directors, employees, agents, representatives, predecessors, successors, assigns, attorneys, and/or any of them.
3. “Complaint” means and refers to Crown Castle’s Complaint filed in this proceeding with the FCC on or June 19, 2019, and any subsequent amendments thereto.
4. “Communication” includes any form of intended, attempted, or actual oral, written, graphic, electronic, or other representation or articulation Complainant received or sent, or attempted to receive or send.
5. The words “relate,” “relating,” “pertain,” “pertaining,” “reference,” “referencing,” “refer,” “referring,” and/or derivatives thereof, whether followed by a preposition or not, have the broadest meaning that may be accorded to them and include, but are not limited to, the following: directly or indirectly mentioning, describing, referring to, pertaining to, being connected with, setting forth, discussing, commenting upon, analyzing, supporting, contradicting, proving, disproving, referring to, constituting, concerning, and/or connected, or reflecting in any way upon the stated subject matter of a given request.

6. “Person” and “persons” mean any individual, corporation, firm, company, partnership, joint venture, association, unincorporated association, governmental or public agency, and/or all other legal entities.
7. The terms “each” and “every” include the term “each and every.” “Any” shall include the term “any and all.”
8. The singular of words includes the plural and the plural includes the singular.
9. Masculine, feminine, or neuter pronouns include the other gender(s).
10. The words “and” and “or” have either a disjunctive or conjunctive meaning so as to bring within the scope of these document requests all information that might otherwise be construed to be outside their scope by use of a more restrictive meaning.
11. The words “and” and “or” have either a disjunctive or conjunctive meaning so as to bring within the scope of these document requests all information that might otherwise be construed to be outside their scope by use of a more restrictive meaning.
12. References to the name of a company or the designation of a party include the company or corporation, as the case may be, or the party, and its employees, agents, directors, officers, stockholders, principals, partners, representatives, attorneys, investigators, consultants, and subcontractors.

INSTRUCTIONS

1. These interrogatories are continuing in nature. If you obtain additional information, a supplemental response shall be promptly furnished.
2. If any response to any request contains any objection, please state with specificity the grounds for each such objection and the part of the request to which the objection is made, but respond to such request fully insofar as it is not deemed objectionable or to the extent that it may be responded to subject to such objection.
3. 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) or response(s) withheld under a claim of privilege. You shall state all facts that demonstrate why the information or the document(s) or response(s) sought by any of the following requests 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) or response(s) withheld.
4. Per FCC Rule 1.730(b), ComEd is not seeking information that is available from any source other than Crown Castle.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify every tariff Crown Castle currently has on file in Illinois which covers the services Crown Castle provides using Crown Castle's attachments to ComEd's distribution poles.

INTERROGATORY NO. 2:

Identify every tariff Crown Castle has had on file in Illinois which covers the services Crown Castle and its predecessors in interest have provided using Crown Castle's attachments to ComEd's distribution poles for the years 2012-2018.

INTERROGATORY NO. 3:

Identify every Illinois Commerce Commission authorization which was in effect for the years 2012-2018 which authorized Crown Castle and its predecessors in interest to provide the services Crown Castle provides using Crown Castle's attachments to ComEd's distribution poles.

INTERROGATORY NO. 4:

Explain how the wireless antenna attachments Crown Castle installs on ComEd's distribution poles are being used by Crown Castle to itself provide telecommunications services.

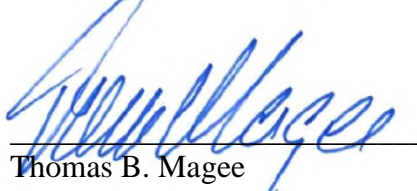
INTERROGATORY NO. 5:

Identify every correspondence Crown Castle has had with the Illinois Commerce Commission regarding the issues raised in the Complaint.

INTERROGATORY NO. 6:

Identify how Crown Castle believes it has rights under the contracts identified in the Complaint which were executed by the Sunyses, Lighttower and NextG entities which signed the agreements.

Respectfully submitted,



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Attorneys for Commonwealth Edison Company

July 22, 2019

CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 22nd day of July 2019, a true and authorized copy of Commonwealth Edison Company's First Set of Interrogatories to Complainant Crown Castle Fiber LLC 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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