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July 29, 2019

VIA ECFS

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

**Re: Crown Castle Fiber LLC v. Commonwealth Edison Company
Proceeding Number 19-170
Bureau ID Number EB-19-MD-005**

Ms. Dortch:

Pursuant to 47 C.F.R. § 1.730(c), Crown Castle Fiber LLC submits the attached Objections to Commonwealth Edison Company's First Set of Interrogatories filed in the above-referenced proceeding.

Sincerely,

Davis Wright Tremaine LLP

A handwritten signature in blue ink that reads "Ryan Appel".

Ryan M. Appel

cc: Service List

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

CROWN CASTLE FIBER LLC,

Complainant,

v.

COMMONWEALTH EDISON COMPANY,

Respondent.

Proceeding Number 19-170

Bureau ID Number EB-19-MD-005

**COMPLAINANT’S OBJECTIONS TO RESPONDENT’S FIRST SET OF
INTERROGATORIES**

Complainant Crown Castle Fiber LLC, pursuant to the Notice of Formal Complaint issued June 25, 2019 by the Commission’s Enforcement Bureau in this proceeding and pursuant to Section 1.730(c) of the Commission’s Rules, submits the following objections in response to Commonwealth Edison Company’s (“ComEd”) First Set of Interrogatories.

GENERAL OBJECTIONS

A. Crown Castle objects generally to the Interrogatories as set forth below (the “General Objections”). Crown Castle will also assert specific objections to each Interrogatory as appropriate. To the extent that Crown Castle responds to Interrogatories to which it objects, such objections are not waived and are expressly reserved.

B. Crown Castle objects to these Interrogatories to the extent that they seek discovery of any matter that is not relevant to the material facts in dispute in the pending proceeding. *See* 47 C.F.R. § 1.730.

C. Because ComEd's Interrogatories specify that all of the information requested pertains to ComEd's Answer to Crown Castle's Complaint, Crown Castle objects to ComEd's Interrogatories to the extent they do not pertain to ComEd's Answer.

D. Because ComEd's Interrogatories specify that ComEd is not seeking information that is available from any source other than Crown Castle, Crown Castle objects to the Interrogatories to the extent they seek information that is available from a source other than Crown Castle, including information that is publicly available or already in ComEd's possession, and therefore would impose no greater burden for ComEd to obtain than for Crown Castle to provide.

E. Crown Castle objects to these Interrogatories to the extent that they seek information protected by the attorney-client privilege, attorney work-product, or any other applicable privilege. In particular, ComEd defines "Complainant" and "Crown Castle" to mean "any persons associated with it, including, but not limited to . . . attorneys" Crown Castle objects to this definition to the extent that it seeks privileged information. The inadvertent disclosure of privileged information shall not constitute a waiver of any applicable privilege.

F. Crown Castle objects to these Interrogatories to the extent that they seek confidential and/or proprietary information. Subject to and without waiving said objection, Crown Castle will produce responsive information subject to an appropriate protective order regarding the confidentiality of such information, mutually agreeable to the parties in this action.

G. Crown Castle objects to these Interrogatories to the extent that they seek the disclosure of information not in Crown Castle's possession, custody, or control.

H. Crown Castle objects to these Interrogatories to the extent that they are vague, ambiguous, overbroad, unduly burdensome, unreasonably duplicative, and oppressive, or seek documents that are not reasonably calculated to lead to the discovery of admissible evidence in this action.

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.

OBJECTION: In addition to its general objections, Crown Castle objects to Interrogatory No. 1 on the grounds that it seeks information that is not relevant to Crown Castle's claims and assumes a legal conclusion that Crown Castle's telecommunications service must be provided pursuant to tariff. Crown Castle also objects to Interrogatory No. 1 because it seeks information that, if it exists, is publicly available.

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.

OBJECTION: In addition to its general objections, Crown Castle objects to Interrogatory No. 2 on the grounds that it seeks information that is not relevant to Crown Castle's claims and assumes a legal conclusion that Crown Castle's telecommunications service had to be provided pursuant to tariff between 2012 and 2018. Crown Castle also objects to Interrogatory No. 2 because it seeks information that is publicly available.

INTERROGATORY NO. 3: Identify every Illinois Commerce Commission authorization Crown Castle currently in effect which authorizes Crown Castle to provide the services Crown Castle provides using Crown Castle's attachments to ComEd's distribution poles.

OBJECTION: In addition to its general objections, Crown Castle objects to Interrogatory No. 3 on the grounds that it seeks information that is not relevant to Crown Castle's claims and is overly broad. Subject to and without waiving its objections, Crown Castle will respond to Interrogatory No. 3.

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.

OBJECTION: In addition to its general objections, Crown Castle objects to Interrogatory No. 4 on the grounds that it seeks information that is not relevant to Crown Castle's claims. In addition, Interrogatory No. 4 assumes a legal conclusion. In addition, Crown Castle objects that the phrase "antenna attachments . . . are being used by Crown Castle to itself provide telecommunications services" is vague and ambiguous.

INTERROGATORY NO. 5: Identify every correspondence Crown Castle has had with the Illinois Commerce Commission regarding the issues raised in the Complaint.

OBJECTION: In addition to its general objections, Crown Castle objects to Interrogatory No. 5 on the grounds that it seeks information that is not relevant to claims or defenses in this case. Crown Castle's correspondence with the Illinois Commerce Commission is irrelevant.

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.

OBJECTION: In addition to its general objections, Crown Castle objects to Interrogatory No. 6 on the grounds that it is vague and ambiguous. Subject to and without waiving its objections, Crown Castle will respond to Interrogatory No. 6.

Respectfully submitted,

/s/ T. Scott Thompson
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Date submitted: July 29, 2019

RULE 1.721(m) VERIFICATION

I have read Complainant's Objections to Respondent's First Set of Interrogatories filed by Crown Castle Fiber LLC on July 29, 2019 in the above-referenced proceeding. To the best of my knowledge, information and belief formed after reasonable inquiry, the Objections are well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law. The Objections are not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of the proceeding.

Respectfully submitted,

/s/ T. Scott Thompson

T. Scott Thompson

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Attorney for Crown Castle Fiber LLC

Date submitted: July 29, 2019

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2019, I caused a copy of the foregoing Complainant's Objections to Respondent's First Set of Interrogatories to be served on the following (service method indicated):

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