

1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
tel. 202.434.4100
fax 202.434.4646

Writer's Direct Access
Timothy A. Doughty
(202) 434-4271
doughty@khlaw.com

July 30, 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 Supplement to its Answer to
Complainant Crown Castle Fiber LLC's Pole Attachment Complaint –
Unlawful Rates (Proceeding Number 19-170; Bureau ID Number EB-19-
MD-005)**

Ms. Dortch:

Please find attached Commonwealth Edison Company's Supplement to its Answer to Complainant Crown Castle Fiber LLC's Pole Attachment Complaint – Unlawful Rates 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
Complainant,

v.

Commonwealth Edison Company,
Defendant

)
)
)
)
) **Proceeding Number 19-170**
) **Bureau ID Number EB-19-MD-005**
)
)
)
)

**COMMONWEALTH EDISON COMPANY'S SUPPLEMENT TO ITS ANSWER
TO THE POLE ATTACHMENT COMPLAINT – UNLAWFUL RATES
OF CROWN CASTLE FIBER LLC**

Defendant Commonwealth Edison Company ("ComEd"), pursuant to the letter issued on July 25, 2019 by the FCC Enforcement Bureau in this proceeding and pursuant to Section 1.726 of the Commission's Rules, 47 C.F.R. §1.726, submits the following Supplement to its Answer to Crown Castle Fiber LLC's ("Crown Castle") Rate Complaint (the "Rate Complaint").

Crown Castle 89: *Crown Castle incorporates by reference as if fully set forth herein paragraphs 1 through 88 of this Complaint.*

ComEd Answer: Paragraph 89 of the Complaint does not require an answer.

Crown Castle 90: *ComEd's pole attachment rates for wireline pole attachments for 2013 to 2018 exceeded the maximum just and reasonable rate permitted under the Commission's telecommunications rate formula prescribed in 47 C.F.R. § 1.1406(d).*

ComEd Answer: ComEd has already addressed these allegations in its answers to Paragraphs 1-88 and will not repeat them here. To the extent discussed in its answers to Paragraphs 1-88 and to the extent a response is otherwise required, ComEd denies the allegations in Paragraph 90 of the Complaint.

Crown Castle 91: *Accordingly, ComEd's annual pole attachment rates for wireline attachments are unjust and unreasonable in violation of 47 U.S.C. § 224.*

ComEd Answer: ComEd has already addressed these allegations in its answers to Paragraphs 1-88 and will not repeat them here. To the extent discussed in its answers to Paragraphs 1-88 and to the extent a response is otherwise required, ComEd denies the allegations in Paragraph 91 of the Complaint.

Crown Castle 92: *Crown Castle incorporates by reference as if fully set forth herein paragraphs 1 through 88 of this Complaint.*

ComEd Answer: Paragraph 92 of the Complaint does not require an answer.

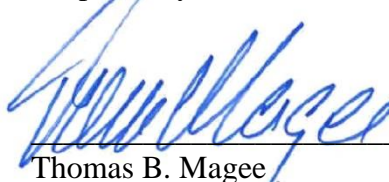
Crown Castle 93: *ComEd's pole attachment rate for wireless attachments for 2013 to 2018 exceeded the maximum just and reasonable rate permitted under the Commission's telecommunications rate formula prescribed in 47 C.F.R. § 1.1406.*

ComEd Answer: ComEd has already addressed these allegations in its answers to Paragraphs 1-88 and will not repeat them here. To the extent discussed in its answers to Paragraphs 1-88 and to the extent a response is otherwise required, ComEd denies the allegations in Paragraph 93 of the Complaint.

Crown Castle 94: *Accordingly, ComEd's annual pole attachment rates for wireless attachments are unjust and unreasonable in violation of 47 U.S.C. § 224.*

ComEd Answer: ComEd has already addressed these allegations in its answers to Paragraphs 1-88 and will not repeat them here. To the extent discussed in its answers to Paragraphs 1-88 and to the extent a response is otherwise required, ComEd denies the allegations in Paragraph 94 of the Complaint.

Respectfully submitted,



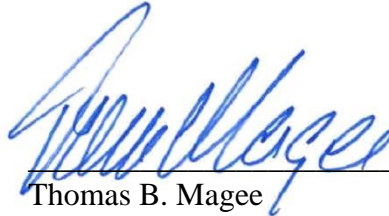
Thomas B. Magee
Timothy A. Doughty
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001
(202) 434-4100 (phone)
(202) 434-4646 (fax)
magee@khlaw.com
doughty@khlaw.com

Attorneys for Commonwealth Edison Company

July 30, 2019

RULE 1.721(m) VERIFICATION

I, Thomas B. Magee, as signatory to this submission, verify that I have read the foregoing submission and ComEd's Answer filed on July 22, 2019, as Supplemented on July 30, 2019 and, to the best of my knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of the proceeding.



Thomas B. Magee
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001
(202) 434-4100 (phone)
(202) 434-4646 (fax)
magee@khlaw.com

Attorney for Commonwealth Edison Company

CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 30th day of July 2019, a true and authorized copy of Commonwealth Edison Company's Supplement to its Answer to Complainant Crown Castle Fiber LLC's Pole Attachment Complaint was served on the parties listed below via electronic mail and was filed with the Commission via ECFS.

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554
ecfs@fcc.gov
(By ECFS for Public Version)
(By Hand Delivery for Confidential Version)

Rosemary McEnery
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554
Rosemary.McEnery@fcc.gov

Adam Suppes
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554
Adam.Suppes@fcc.gov

T. Scott Thompson
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
scottthompson@dwt.com

Ryan Appel
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
ryanappel@dwt.com

Maria T. Browne
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
MariaBrowne@dwt.com

/s/_____
Timothy A. Doughty