

August 21, 2019

VIA ECFS

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

**Re: Zito Canton, L.P. v. Pennsylvania Electric Company
Proceeding No. 17-284; File No. EB-17-MD-005**

Dear Ms. Dortch,

Please find attached the parties' Joint Motion to Dismiss the Amended Pole Attachment Complaint with Prejudice in the above-referenced proceeding.

Thank you for your attention to this matter.

DAVIS WRIGHT TREMAINE LLP

/s/ Maria T. Browne

Maria T. Browne

Attachment

cc: Thomas B. Magee
Counsel for Pennsylvania Electric Company

Secretary's Bureau
Pennsylvania Public Utility Commission

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

ZITO CANTON, LLC,

Complainant,

v.

**PPL ELECTRIC UTILITIES
CORPORATION,**

Respondent.

**Proceeding No. 17-284
File No. EB-17-MD-005**

**JOINT MOTION TO DISMISS
COMPLAINT WITH PREJUDICE**

Complainant Zito Canton, LLC (“Zito”) and Respondent PPL Electric Utilities Corporation (“PPL”), jointly move the Federal Communications Commission (“FCC” or “Commission”) to dismiss with prejudice the Amended Pole Attachment Complaint (“Complaint”) filed in the above captioned proceeding. In support, Zito and PPL state as follows:

1. Zito filed an Amended Pole Attachment Complaint against PPL in the above-captioned action on November 13, 2017.
2. Pursuant to a Confidential Settlement Agreement between the parties, Zito agreed to seek dismissal of the Complaint against PPL with prejudice.
3. Accordingly, Zito and PPL jointly move for the dismissal of the Complaint with

prejudice. Dismissal of the Complaint will serve the public interest by eliminating the need for further litigation and the expenditure of the associated time and resources of the parties and the Commission and will promote the private resolution of disputes.

WHEREFORE, for the reasons stated above, Zito and PPL jointly request that the Commission grant this motion and terminate the above-captioned proceeding.

Dated: August 19, 2019

Respectfully submitted,

Zito Canton, LLC

/s/ Maria T. Browne
Maria T. Browne
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PPL Electric Utilities Corporation

/s/ Tomas B. Magee
Thomas B. Magee
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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2019, I caused a copy of the foregoing Joint Motion to Dismiss Complaint with Prejudice to be served on the following (service method indicated):

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554
(via ECFS)

Thomas Magee
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Secretary's Bureau
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(first class mail)

/s/ Maria T. Browne
Maria T. Browne