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**VIA ECFS AND E-MAIL**

Christopher Killion, Division Chief  
Federal Communications Commission  
Enforcement Bureau Market Disputes Resolution Division  
445 12th Street SW  
Washington, DC 20554

Re: *Verizon Florida v. Florida Power & Light Co.*, Docket No. 15-73, File No. EB-15-MD-002, Related to Docket No. 14-216, File No. EB-14-MD-003

Dear Mr. Killion:

The Enforcement Bureau should reject Florida Power and Light Company's ("FPL") latest attempt to delay the determination of a "just and reasonable" rate in this matter—this time filing a reply without first seeking leave. The pole attachment complaint rules do not provide for replies to oppositions to motions, 47 C.F.R. § 1.1407(a), and the formal complaint rules expressly prohibit them, *id.* § 1.727(d). FPL's counsel disregarded instructions from the Enforcement Bureau that it should "file a motion for leave to file a reply" if it wanted to seek an exception to the rules. *See* Email from L. Griffin to Counsel (Dec. 14, 2015). Rather than waste any additional time and resources addressing unnecessary motion practice, the Commission should move forward to resolve this proceeding on the merits.

FPL's "reply" concedes that the Commission's just and reasonable rate determination will supersede any state court decision about the rental rates. Reply ¶ 7. FPL's pleading evidences that the request for delay is not based on any facts, so much as an attempt to coerce Verizon into paying its grossly inflated contract rates before the FCC rules on the lawfulness of those rates. Neither FPL's misplaced suspicion nor the boilerplate wording of Florida's standard Notice of Appeal can overcome Verizon's representation on the record that it will not challenge on appeal the single issue that the Enforcement Bureau waited for the state court to rule upon—the "correct contractual rates" under the parties' Joint Use Agreement. Those rates are settled, and the Enforcement Bureau should now decide whether they are unjust and unreasonable.

Respectfully,

Christopher S. Huther

cc: Lisa Griffin, Deputy Division Chief, Rosemary McEnery, Deputy Division Chief, Lia Royle, Commission Counsel, Charles A. Zdebski, Esquire, Maria Jose Moncada, Esquire, Alvin B. Davis, Esquire