

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

BELLSOUTH TELECOMMUNICATIONS,*
LLC D/B/A AT&T FLORIDA *

Complainant, *

v. *

FLORIDA POWER & LIGHT
COMPANY, *

Respondent. *

Proceeding No. 19-187

Bureau ID No.: EB-19-MD-006

UNOPPOSED MOTION FOR ADJUSTMENT OF DEADLINES

Pursuant to Rule 1.46, Respondent, Florida Power & Light Company (“FPL”), by and through its attorneys, respectfully submits this motion requesting that the deadlines applicable to this proceeding be adjusted as set forth below. In further support hereof, FPL states as follows.

1. BellSouth Telecommunications, LLC d/b/a AT&T Florida (“AT&T”) filed the complaint in this matter on July 1, 2019. The Federal Communications Commission (the “Commission” or “FCC”) provided a Notice of Complaint to FPL on July 8, 2019. Pursuant to § 1.726, FPL’s answer is due July 31, 2019. Pursuant to § 1.728, AT&T’s reply is due August 12, 2019.

2. The Commission’s complaint procedure rules allow for motions for extensions of time. *See* 47 C.F.R. § 1.46 & § 1.729.

3. AT&T’s complaint is only the second of its kind since the March 11, 2019 effective date of the revisions to Rule 1.1413 (addressing pole attachment complaints by incumbent local exchange carriers). AT&T’s complaint is also just the third pole attachment complaint of any kind filed since the effective date of the Commission’s revised pole attachment

COMMISSION
CLERK

2019 JUL 15 AM 10:36

RECEIVED-FPSC

complaint rules, which incorporate the provisions of Rules 1.720-1.740 (allowing for, among other things, the service of interrogatories with the complaint and answer, as well as other post-reply substantive and procedural requirements).

4. On July 8, 2019, the Commission issued its schedule for this proceeding, which included deadlines as soon as that same day. See Notice of Complaint, ¶ 3.

5. AT&T's complaint is 27 pages, with an additional 276 pages of affidavits and other exhibits. The interrogatories seek data and information over a nine year period dating back to 2011.

6. Having completed a preliminary review of AT&T's complaint, FPL has determined that it will need the assistance of one or more outside economic experts. FPL has yet to retain such an expert. The identification of, retention of, and production of testimony from such an expert (or experts) will take significant time.

7. Further, several of the in-house attorneys and other personnel essential to preparing a response for FPL will not be available for long periods of time in the month of July due to preexisting personal and professional obligations.

8. Given the size and complexity of the complaint, given that this is one of the first complaints filed under the new version of Rule 1.1413, given that the response to the complaint will require affidavits from FPL financial and operational witnesses as well as affidavits from one or more outside economic experts, given the deadlines to object and respond to the interrogatories, and given the logistical difficulties referenced in paragraphs 6 & 7 above, it is simply not practical for FPL to adequately respond under the current deadlines applicable to this proceeding.

9. FPL requests that the current deadlines be adjusted as follows:

	Current Deadline	Proposed
FPL Response to Interrogatories	July 22, 2019	August 21, 2019
Answer to Complaint	July 31, 2019	September 6, 2019
AT&T Objections to Interrogatories	August 7, 2019	September 13, 2019
Reply	August 12, 2019	October 11, 2019
AT&T Response to Interrogatories	August 20, 2019	October 18, 2019
Joint Statements	August 29, 2019	October 25, 2019
Status Conference	September 12, 2019	Suggested dates: October 28, 2019 - November 4, 2019
Briefing / Discovery Deadline	October 8, 2019	November 22, 2019

10. These proposed adjustments should not impact the target deadline for final action on the complaint within 270 days of filing the complaint. The 270th day after filing the complaint is Friday, March 27, 2020. The adjusted schedule proposed above still allows more than four (4) months for the Commission to resolve the complaint after the conclusion of all discovery and briefing.

11. The undersigned counsel has communicated with counsel for AT&T, and AT&T does not oppose the schedule adjustment requested herein. In fact, some of the proposed adjusted deadlines reflect input from AT&T to avoid known conflicts for AT&T and its counsel.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT, LLC

A handwritten signature in black ink, appearing to read "Charles A. Zdebski", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles A. Zdebski

Robert J. Gastner

William C. Simmerson

1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20006

(Tel) 202.659.6600

(Fax) 202.659.6699

czdebski@eckertseamans.com

Counsel to Florida Power & Light Company

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2019, I caused a copy of the foregoing Motion for Extension of Time to be served on the following by hand delivery, U.S. mail or electronic mail (as indicated):

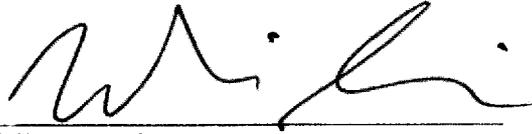
Christopher S. Huther, Esq.
Claire J. Evans, Esq.
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006
chuther@wileyrein.com
cevans@wileyrein.com
(Via e-mail)
Attorneys for BellSouth Telecommunications, LLC

Robert Vitanza
Gary Phillips
David Lawson
AT&T Services, Inc.
1120 20th Street NW, Suite 1000
Washington, DC 20036
(Via U.S. Mail)

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

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426
(Via Hand Delivery)

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
(Via U.S. Mail)

A handwritten signature in black ink, appearing to read 'W. C. Simmerson', written over a horizontal line.

William C. Simmerson