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February 18, 2014

Via Hand Delivery

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

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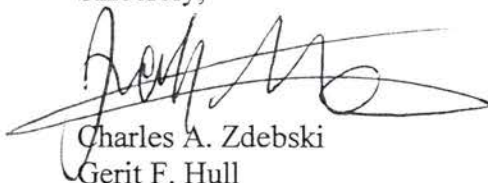
Re: Verizon Florida LLC v. Florida Power and Light Company
File No. EB-14-MD-003

Dear Secretary Dortch:

Enclosed please find an original and four copies of a Motion for Extension of Time and Substitution of Counsel for filing with the Commission. Please date stamp the fifth copy of these documents as having been received by your office and return them to the courier in attendance.

Thank you for your assistance in this matter.

Sincerely,



Charles A. Zdebski
Gerit F. Hull
Jeffrey P. Brundage
Counsel to Florida Power and Light Company

Encls.

Before the
Federal Communications Commission
Washington, DC 20554

VERIZON FLORIDA LLC.

Complainant,

v.

FLORIDA POWER AND LIGHT
COMPANY,

Respondent.

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File No.: EB-14-MD-003

MOTION FOR EXTENSION OF TIME

Defendant, Florida Power and Light Company (“FP&L”), by and through its attorneys, respectfully submits this Motion for Extension of Time to respond to the complaint in this matter. In further support hereof, FP&L states as follows.

1. Verizon Florida LLC (“Verizon”) filed the complaint in this matter on January 31, 2014. The Federal Communications Commission (the “Commission” or “FCC”) provided a Notice of Complaint to FP&L on February 10, 2014. The Notice of Complaint stated that FP&L’s response in this matter would be due March 5, 2014 and Verizon’s reply would be due March 25, 2014.

2. The Commission’s pole attachment complaint procedure rules allow for motions for extensions of time, *see* 47 C.F.R. § 1.1407, which establish justification under 47 C.F.R. § 1.46.

3. Verizon’s allegations against FP&L date back to the Commission’s April 7, 2011 order regarding pole attachments and joint use. *Implementation of Section 224 of the Act; A National Broadband Plan for Our Future*, Report and Order and Order on Reconsideration, 26

FCC Rcd 5240 (2011) (“*Pole Attachment Order*”). After the effective date of the Pole Attachment Order, Verizon sought to renegotiate the parties’ 1975 joint use agreement and apply the *Pole Attachment Order* retroactively to a contract, attachments and commercial relationship predating the order by as much as 36 years. *See* Complaint, ¶ 21.

4. Verizon provided notice of terminating its joint use relationship with FP&L on December 9, 2011, effective June 9, 2012. *Id.*, ¶¶ 23, 27.

5. After negotiations between the parties were unsuccessful, FP&L filed suit against Verizon in Florida state court on April 23, 2013.

6. The dispute between the parties thus has a nearly three year history, a multi-layered trajectory and a complicating overlay of both state court litigation and new Commission rules under the *Pole Attachment Order*, providing regulatory oversight to joint use relationships for the first time in the Commission’s history and for which no guiding jurisprudence currently exists.

7. It is therefore reasonable that it took some time for FP&L to identify and engage counsel with specialized knowledge and experience in the relevant areas, especially when one factors in vacation schedules. Now that FP&L has engaged the undersigned counsel, FP&L and its counsel require some time to bring counsel up to speed and prepare appropriately for this proceeding, against the backdrop of the state court proceeding.

8. FP&L therefore requests a brief one-time 30 day extension of the time to file a response to the complaint, through and until April 4, 2014 and a concomitant extension of time for Verizon to file its reply through and until April 24, 2014.

9. Verizon did not file the pending complaint until nearly three years after the *Pole Attachment Order*, over two years after terminating its joint use agreement with FP&L and

nearly a year after FP&L initiated state court litigation. Verizon has not requested emergency relief. *See* Complaint, ¶¶ 59-62. Verizon therefore has no urgent timing issues which will be prejudiced by a one-time extension of 30 days.

10. Similarly, adding 30 days to this proceeding will not cause prejudice or delay to the FCC's docket or ability to decide this matter according to its usual practices.

11. FP&L sought Verizon's request to this motion and Verizon refused consent unless FP&L agreed in effect to stay the state court proceeding for 30 days.

Wherefore, Florida Power & Light Company respectfully requests that the Commission expeditiously grant this motion for extension of time for both FP&L's response and Verizon's reply.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT, LLC



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Counsel to Florida Power and Light Company

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2014, 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):

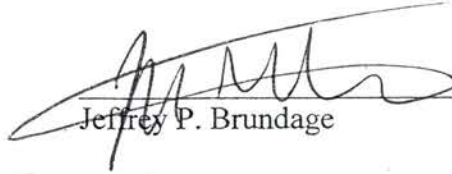
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Jeffrey P. Brundage

Before the
Federal Communications Commission
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VERIZON FLORIDA LLC.

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FLORIDA POWER AND LIGHT
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SUBSTITUTION OF COUNSEL

The Clerk of the Commission will kindly enter the appearance of Charles A. Zdebski, Gerit F. Hull and Jeffrey P. Brundage of the law firm of ECKERT SEAMANS CHERIN & MELLOTT, LLC and withdraw the appearance of Eric B. Langley and the law firm of BALCH & BINGHAM, LLP as Counsel for Respondent, Florida Power and Light Company in the above-captioned matter.

Respectfully submitted,

**ECKERT SEAMANS CHERIN
& MELLOTT, LLC**

By:



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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2014, I caused a copy of the foregoing Substitution of Counsel to be served on the following by hand delivery, U.S. mail or electronic mail (as indicated):

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