

Before the
Federal Communications Commission
Washington, DC 20554

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COMMISSION
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_____)	
VERIZON FLORIDA LLC,)	
)	Docket No. 15-73
Complainant,)	File No. EB-15-MD-002
)	
v.)	
)	Related to
FLORIDA POWER AND LIGHT)	Docket No. 14-216
COMPANY,)	File No. EB-14-MD-003
)	
Respondent.)	
_____)	

**JOINT MOTION FOR LEAVE TO FILE
JOINT MOTION TO EXPEDITE RESOLUTION
OF VERIZON’S POLE ATTACHMENT COMPLAINT**

Complainant Verizon Florida LLC (“Verizon”) and Respondent Florida Power and Light Company (“FPL”) respectfully submit this Joint Motion seeking leave to file the attached Joint Motion to Expedite Resolution of Verizon’s Pole Attachment Complaint, *see* Exhibit A. In support thereof, Verizon and FPL state as follows:

1. Good cause exists to permit the filing of the attached motion, which seeks an expedited resolution of Verizon’s Pole Attachment Complaint before September 2015. The attached Order, entered by the Honorable Judge John W. Thornton on March 18, 2015, sets the parties’ related state court action for trial in September 2015 and directs the parties “to file a joint request to expedite resolution of this matter at the FCC.” *See* Exhibit B.

2. Verizon and FPL share the state court’s desire for an expedited resolution of Verizon’s Pole Attachment Complaint. The Complaint was filed in response to the Enforcement Bureau’s February 11, 2015 Memorandum Opinion and Order in *Verizon Florida LLC v. Florida Power and Light Company*, Docket No. 14-216, File No. EB-14-MD-003. A decision on this

last aspect of the parties' pole attachment dispute will streamline, or possibly eliminate, the need for further proceedings before the state court.

Therefore, Verizon and FPL respectfully request that the Commission grant leave to file the attached Joint Motion to Expedite Resolution of Verizon's Pole Attachment Complaint.

Respectfully submitted,

By:



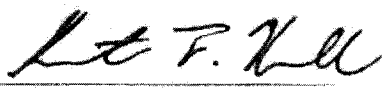
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Attorneys for Verizon Florida LLC

Dated: April 1, 2015

By:



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Attorneys for Florida Power and Light Company

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2015, I caused a copy of the foregoing Joint Motion for Leave to File Joint Motion to Expedite Resolution to be filed via the Federal Communications Commission's Electronic Comment Filing System and to be served on the following (service method indicated):

Christopher Killion, Division Chief
Rosemary McEnery, Deputy Division Chief
Lia Royle, Commission Counsel
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Enforcement Bureau
Market Disputes Resolution Division
445 12th Street, SW
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(via email and hand delivery)


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Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
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Claire J. Evans

Exhibit A

**Before the
Federal Communications Commission
Washington, DC 20554**

VERIZON FLORIDA LLC,)	
)	
Complainant,)	Docket No. 15-73
)	File No. EB-15-MD-002
v.)	
)	
FLORIDA POWER AND LIGHT)	Related to
COMPANY,)	Docket No. 14-216
)	File No. EB-14-MD-003
Respondent.)	
)	

**JOINT MOTION TO EXPEDITE RESOLUTION
OF VERIZON'S POLE ATTACHMENT COMPLAINT**

Complainant Verizon Florida LLC (“Verizon”) and Respondent Florida Power and Light Company (“FPL”) respectfully submit this Joint Motion to Expedite Resolution of Verizon’s Pole Attachment Complaint. In support thereof, Verizon and FPL state as follows:

1. Verizon and FPL seek an expedited resolution of Verizon’s Pole Attachment Complaint before September 2015, if possible. The parties are engaged in related litigation in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. In an Order dated March 18, 2015, the Honorable John W. Thornton set the parties’ case for trial in September 2015. *See* Exhibit 1. The court also directed the parties “to file a joint request to expedite resolution of this matter at the FCC.” *Id.*

2. A decision from the FCC on Verizon’s Complaint will streamline, or possibly eliminate, further proceedings before the state court. The parties agree that the Commission’s “just and reasonable” rate determination will govern Verizon’s attachments to FPL’s poles. That “just and reasonable” rate determination may be different from what FPL seeks in state court and

will supersede any rate determination by the state court. The resolution of this matter before September 2015, therefore, will conserve judicial resources and allow the parties to avoid or reduce the expense of potentially unnecessary trial court proceedings.

3. Although not directly applicable here, the parties note that the Commission has a process for deciding other types of complaints within five months. *See* 47 U.S.C. § 208(b)(1) (“[T]he Commission shall, with respect to any investigation under this section of the lawfulness of a charge, classification, regulation, or practice, issue an order concluding such investigation within 5 months after the date on which the complaint was filed.”). Following that timeline here would allow a ruling in August, prior to trial.

4. Based on its review to date of the Verizon Pole Attachment Complaint, FPL has determined that limited discovery and additional response time will be required in order to respond to the specific factual assertions and analyses in the Complaint and to provide a complete record for the Commission. Accordingly, contemporaneously with the filing of this Joint Motion, FPL is filing a separate Motion To Allow Discovery And Extend Time To Respond To Verizon's Complaint. FPL expects to proceed in an expedited fashion so as to allow for a decision by the FCC within the time frame proposed here, if possible. Verizon takes no position at this time on the Motion that FPL plans to file and does not waive its right to respond to that Motion.

5. In sum, Verizon and FPL respectfully request that the Commission grant this Joint Motion and resolve Verizon's Pole Attachment Complaint before September 2015, if possible.

Respectfully submitted.

By:




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Attorneys for Florida Power and Light Company

Dated: April 1, 2015

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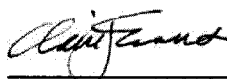
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Claire J. Evans

Exhibit 1

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION

Complex Business Litigation
CASE NO.13-14808 CA (40)

FLORIDA POWER & LIGHT,

Plaintiff(s),

v.

VERIZON FLORIDA LLC,

Defendant(s).

_____ /

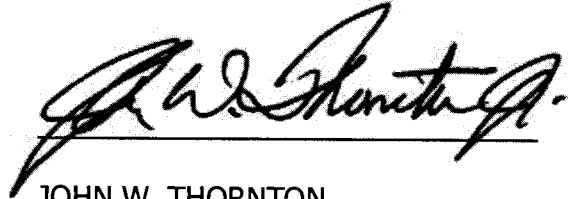
ORDER SETTING TRIAL

PLEASE TAKE NOTICE that the trial of this case shall occur during the **three (3) week** trial period beginning **SEPTEMBER 8, 2015** with **Call of the Calendar** at **9:00 A.M.** **SEPTEMBER 4, 2015.** The parties estimate the trial will be completed in **3-4** days. Pursuant to Fla. R. Civ. P. 1.201 (b)(3) continuance of the trial will be granted only upon good cause shown.

The Final Pre-Trial Conference and Motions for Summary Judgment are scheduled on **AUGUST 26, 2015** at **11:00 A.M.** in Courtroom 10-1. The parties shall prepare in advance and provide at the pre-trial conference an updated pre-trial statement comporting with CBL Rule 9.2. The mediation shall be completed **AUGUST 21, 2015.** The stay previously granted in this matter is hereby lifted.

The parties are to file a joint request to expedite resolution of this matter at the FCC.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on
03/18/15.



JOHN W. THORNTON
CIRCUIT COURT JUDGE

**No Further Judicial Action Required
on THIS MOTION
CLERK TO RECLOSE CASE IF POST
JUDGMENT**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed and stamped original Order sent to court file by Judge Thornton's staff.

Copies furnished to:

adavis@ssd.com; lcollins@butlerpappas.com; wschoel@butlerpappas.com

Exhibit B

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION

Complex Business Litigation
CASE NO.13-14808 CA (40)

FLORIDA POWER & LIGHT,

Plaintiff(s),

v.

VERIZON FLORIDA LLC,

Defendant(s).

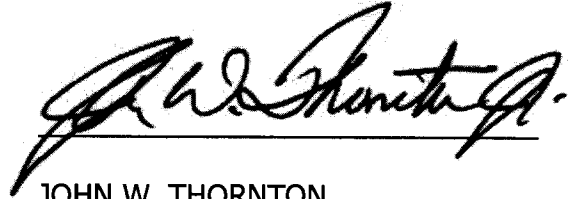
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