

failure to diligently move its case forward as it represented it would. Under these circumstances, FPL cannot justify a second extension.⁵

Prior to selecting the response deadline that it now seeks to extend, FPL had ample time to consider its approach to discovery and the schedules of all involved individuals, including experts it sought to retain. Verizon re-filed its Complaint on March 13—just 30 days after the Enforcement Bureau’s February 11 Memorandum Opinion and Order.⁶ Nearly three weeks elapsed before FPL filed its April 1 request to extend its response deadline to June 12.⁷ Verizon negotiated for a more expedited schedule, but FPL refused to budge from a June 12 response deadline, which became part of the April 15 Joint Proposed Procedural Schedule. FPL served its discovery requests on April 17, which was 35 days after Verizon filed its Complaint and one day after the Commission adopted the Joint Proposed Schedule.⁸

The current schedule provided FPL with more than enough time to develop the record thoroughly. The June 12 response deadline gave FPL 91 days to respond to Verizon’s Complaint, which is more than triple the usual 30 days provided by the rules.⁹ FPL knew of its mid-June deadline since mid-April, which gave it two months to schedule its expert’s work in a way that would accommodate the expert’s vacation and meet the filing deadline FPL selected. And, although FPL’s need for discovery is questionable because FPL—not Verizon—alleged the

⁵ See 47 C.F.R. § 1.1407(a) (“Extensions of time to file are not contemplated unless justification is shown pursuant to § 1.46.”).

⁶ Pole Attachment Complaint (Mar. 13, 2015); see also *Verizon Florida LLC v. Florida Power and Light Company*, Memorandum Opinion and Order, Docket No. 14-216, File No. EB-14-MD-003 (EB Feb. 11, 2015).

⁷ See Motion to Allow Discovery and Extend Time to Respond (Apr. 1, 2015).

⁸ See Procedural Schedule (Apr. 16, 2015).

⁹ See 47 C.F.R. § 1.1407(a); Procedural Schedule at 1 (Apr. 16, 2015).

“advantages” at issue in this proceeding, Verizon nonetheless timely provided responses to FPL’s extensive discovery requests on May 7—nearly four weeks ago.

FPL was aware of the discovery issues on which it relies even earlier—on April 27 when Verizon filed its objections to FPL’s discovery requests. Over five weeks have passed since then. In that time, FPL raised one discovery issue with the Enforcement Bureau, which Staff quickly resolved on May 13. While FPL and Verizon have had other exchanges about discovery (most recently on May 21), FPL has not moved any other alleged “discovery disputes” forward.¹⁰

FPL’s failure to move its case forward cannot justify another extension. This is particularly so because Verizon will be prejudiced by the extension. Certain individuals who support Verizon’s efforts in this matter rescheduled their vacations to accommodate FPL’s request to extend its response deadline to June 12. FPL says the Commission can accommodate these rescheduled vacations by lengthening the procedural schedule even more,¹¹ but that would only exacerbate the prejudice to Verizon, which has acted promptly and diligently to obtain a ruling as soon as possible. When Verizon filed its Pole Attachment Complaint in March, it expected that the parties would finish briefing by May 4—nearly one month ago.¹² The Commission has already extended that deadline by three months to August 3. The Commission should not prolong this proceeding any further.

Verizon opposes FPL’s unjustified request to extend its response deadline a second time.

¹⁰ See Motion for Extension of Time ¶ 4 (May 29, 2015).

¹¹ *Id.* ¶ 9.

¹² See 47 C.F.R. § 1.1407(a); Letter from C. Killion, Division Chief, to Counsel for Verizon and FPL at 1 (Mar. 18, 2015) (setting a May 4 reply deadline).

Respectfully submitted,

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Dated: June 3, 2015

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2015, I caused a copy of the foregoing Opposition to FPL's Motion for Extension of Time to be filed via the Federal Communications Commission's Electronic Comment Filing System and to be served on the following (service method indicated):

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