



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 17, 2018

Via Email and First-Class Mail

Jeffrey A. Franklin, Esq.
Prince Law Offices, P.C.
646 Lenape Road
Bechtelsville, PA 19505

**Re: Investigation into MAW Communications, Inc.'s attachments to PPL utility poles and MAW's alleged takeover of existing attachments previously owned by the Lancaster Safety Coalition
Bp8# 2637179**

Dear Mr. Franklin,

By initial letter to MAW Communications Inc. (MAW) dated December 15, 2017 (December 15 letter), the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission or PUC) advised that it was initiating an investigation regarding safety concerns related to an allegation raised by PPL Electric Utilities (PPL) that MAW was attaching facilities to PPL poles without first acquiring proper PPL authorization and, in the process thereof, failed to comply with various safety protocols as set forth in the National Electric Safety Code. I&E is authorized under the Pennsylvania Code to conduct such investigations of public utilities and other entities under the Commission's jurisdiction. The parties initially communicated with I&E Prosecutor Bradley Gorter. I have taken over this I&E investigation from Prosecutor Gorter.

At the time that this matter was brought to the attention of I&E's Electric Safety Division, and out of its immediate concern for the safety of the public, as well as employees of both PPL and MAW, I&E's December 15 letter stated, in pertinent part:

MAW is hereby directed to cease and desist any and all broadband deployment that attaches or touches any PPL pole or facility IMMEDIATELY. You are further directed not to remove, modify, or otherwise change any of the facilities at issue in this investigation, including, but not limited to, any and all attachments previously made by MAW to PPL poles and any existing Lancaster attachments to PPL poles. Should emergency conditions necessitate modifications on any of these facilities, please contact Electric Safety Supervisor Brent W. Killian immediately.

In order to avoid any confusion regarding I&E's role in any litigation between PPL and MAW, I&E wishes to clarify the above-referenced "cease and desist" language.

Jeffrey A. Franklin, Esq.

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In the course of subsequent communications between PPL and MAW, there have been references to the "PUC's cease order." As the prosecutory arm of the Commission, I&E does not enter orders. Here, I&E's cease and desist request was the result of an immediate need to address public safety concerns related to MAW's facilities as brought to the attention of I&E's Electric Safety Division by PPL. Until I&E's Electric Safety Division had sufficient opportunity to initially investigate the potential safety concerns, it was deemed appropriate for I&E to direct that MAW temporarily stop all work on PPL's poles. Having had that opportunity, I&E's "cease" language is no longer in effect. I&E appreciates MAW's efforts to comply with I&E's cease request. The language was not intended to be interpreted as if an official Commission order.

I&E's direct involvement in any contested proceedings between the parties regarding MAW's work on PPL's poles is not necessary given the agreement reached between PPL and MAW at the hearing held December 19, 2017 at the Court of Common Pleas of Lehigh County before Honorable Edward D. Reibman, P.J. PPL and MAW are capable of proceeding as directed by President Judge Reibman's transcribed "Stipulation Order" and work out matters between themselves. As that Order notes, all MAW work should cease "pending further approval from PPL." T.3. The Order does not demand I&E approval.

I&E's investigation as set forth in its December 15 letter, while related, is separate and apart from any legal action between PPL and MAW and does not require I&E's intervention. I&E does not intend to be an active participant in the matter before Judge Reibman or any other legal proceeding between the parties at this time. I&E's independent investigation and any subsequent I&E enforcement action, if any, will be limited to safety concerns brought to the attention of I&E, and an ultimate determination as to whether such issues violated applicable safety regulations.

Should you have any questions, please feel free to contact me.

Sincerely,



Michael L. Swindler
Deputy Chief Prosecutor
PA Public Utility Commission
Bureau of Investigation and Enforcement
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cc: Joseph D'Amico
Michael J. Shafer