



ferriter
scobbo &
rodophele PC
ATTORNEYS AT LAW

NICHOLAS J. SCOBBO, JR., ESQ.

125 High Street, Boston MA 02110
nscobbo@ferriterscobbo.com
617.737.1800

April 1, 2014

By Hand Delivery

Catrice C. Williams, Secretary
Dept. of Telecommunications and Cable
1000 Washington Street, 8th Fl., Suite 820
Boston, MA 02118-6500

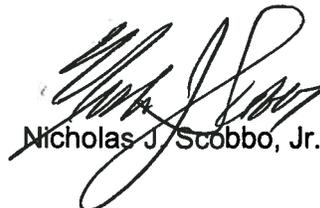
**RE: Comcast of Massachusetts III, Inc. v. Peabody Municipal Light Plant and
Peabody Municipal Lighting Commission – D.T.C. 14-2**

Dear Ms. Williams:

Enclosed for filing in the above-captioned docket is an original of the Peabody Municipal Light Plant and the Peabody Municipal Lighting Commission's Motion for Extension of Time to File Response to the Comcast of Massachusetts III, Inc. ("Comcast") Pole Attachment Rate Complaint.

Counsel to Comcast does not object to the Motion.

Sincerely,



Nicholas J. Scobbo, Jr.

Enclosure

cc: Service List for D.T.C. 14-2

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Comcast of Massachusetts III, Inc.)	
)	
<i>Complainant,</i>)	
v.)	D.T.C 14-2
)	
Peabody Municipal Light Plant and)	
Peabody Municipal Lighting)	
Commission)	
)	
<i>Respondents.</i>)	

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO COMPLAINT

1. Pursuant to 220 C.M.R. § 45.01 and 220 C.M.R. § 1.02(5), Peabody Municipal Light Plant and the Peabody Municipal Lighting Commission (“Respondents”) hereby request that the Department of Telecommunications and Cable (“Department”) approve an extension of time to file a response to the Comcast of Massachusetts III, Inc. (“Complainant”) Pole Attachment Rate Complaint (“Complaint”) served on March 19, 2014. The Response is due April 2, 2014.
2. The Complainant does not object to this Motion.
3. For the reasons discussed below, Respondents seek an extension until May 2, 2014 to file the Response.
4. The general procedural rules set forth in 220 C.M.R § 1.00 are applicable to the Department’s Pole Attachment, Duct, Conduit and Right-of-Way Complaint Procedures. 220 C.M.R. § 45.01.
5. Pursuant to 220 C.M.R. § 1.02(5), the Commission or the presiding officer has discretion to extend any time limit prescribed for the proceeding, as long as good cause is shown.
6. Good cause exists in this matter to extend the time allowed for Respondents to file the Response as follows:

- a. Respondents' counsel, Phillip Durkin has pneumonia and is under doctor's orders to remain at home.
- b. Nicholas J. Scobbo, Jr., was informed of Mr. Durkin's condition on April 1, 2014.
- c. Respondents have requested, that in Mr. Durkin's absence, Mr. Scobbo draft a responsive pleading to the Complaint.
- d. Mr. Scobbo is currently engaged in the deposition phase of a complex arbitration. The depositions are scheduled to take place virtually every day between April 2, 2014 and April 25, 2014. In addition, Mr. Scobbo is traveling to multiple locations to depose witnesses.

7. The logistical constraints presented by the arbitration and the Respondents request to draft the Response on the day before it is due given Mr. Durkin's illness, do not afford Mr. Scobbo sufficient time to review, evaluate, and address all the contentions made by the Complainant for the purposes of a Response.

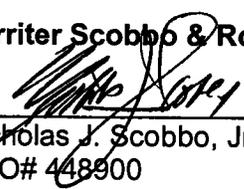
8. The circumstances created by the combination of the factors set forth above constitute good cause to grant this Motion.

9. Accordingly, Respondents respectfully request that the Department grant an extension of the time for filing the Response until May 2, 2014.

Respectfully submitted by,

Peabody Municipal Light Plant
By its attorneys,

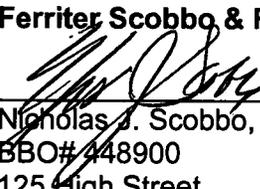
Ferriter Scobbo & Rodophele, PC



Nicholas J. Scobbo, Jr., Esq.
BBO# 448900
125 High Street
Boston, MA 02110
617-737-1800
nscobbo@ferriterscobbo.com

Peabody Municipal Lighting Commission
By its attorneys,

Ferriter Scobbo & Rodophele, PC



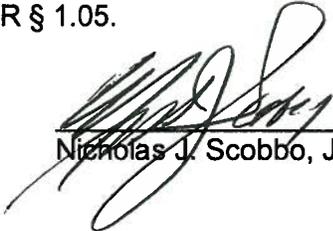
Nicholas J. Scobbo, Jr., Esq.
BBO# 448900
125 High Street
Boston, MA 02110
617-737-1800
nscobbo@ferriterscobbo.com

Dated: April 1, 2014

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2014, I served the foregoing Motion for Extension of Time to File Response to Complaint by hand-delivery and first-class mail to the attached Service List in accordance with the requirements of 220 CMR § 1.05.



Nicholas J. Scobbo, Jr.



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Pole Attachment Rate complaint of Comcast Massachusetts III, Inc. v. Peabody Municipal Light Plant and Peabody Municipal Lighting Commission.

14-2 Service List

Catrice C. Williams, Department Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Fax: 617-988-8287
Email: catrice.williams@state.ma.us
dtc.efiling@state.ma.us

Lindsay DeRoche
Hearing Officer
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Email: lindsay.deroche@state.ma.us

Paul Abbott
General Counsel
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Email: paul.abbott@state.ma.us

Kalun Lee
Deputy General Counsel
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Email: kalun.lee@state.ma.us

Karlen Reed, Director
Competition Division
Department of Telecommunications and Cable

1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Email: karlen.reed@state.ma.us

Joseph Tiernan, Telecommunications Analyst
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Email: michael.mael@state.ma.us

Dinesh Gopalakrishnan, Economist
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Email: dinesh.gopalakrishnan@state.ma.us

Mark Marini, Department Secretary
Department of Public Utilities
One South Station
Boston, MA 02118
Tel: 617-305-3500
Email: mark.marini@state.ma.us

Kevin C. Conroy (BBO#644894)
Foley Hoag, LLP
Seaport West, 155 Seaport Boulevard
Boston, MA 02210-2600
Tel: 617-832-1145
Email: kconroy@foleyhoag.com

Tracey Haslett
Comcast Cable Legal Department
1701 John F. Kennedy Parkway
Philadelphia, PA 19103
Tel: 215-286-4685
Email: tracy_haslett@comcast.com

James F. Ireland III
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20006-3401
Tel: 202-973-4246
Email: jayireland@dwt.com

James W. Tomlinson
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20006-3401
Tel: 202-973-4246
Email: jimtomlinson@dwt.com

Nicholas Scobbo, Esq.
Ferriter Scobbo
125 High Street
Boston, MA 02110
Email: nscobbo@ferriterscobbo.com

Philip Durkin, Esq.
27 Lowell Street
Peabody, MA 01960
Tel: 978-531-1034

Glenn Trueira, Manager
Peabody Municipal Light Plant
201 Warren Street Extension
Peabody, MA 01960
Email: gtrueira@pmlp.com

William Aylward, Chairman
Peabody Municipal Lighting Commission
201 Warren Street Extension
Peabody, MA 01960
Email: waylward@pmlp.com