

Before the  
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**  
 Commonwealth of Massachusetts

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 DEPARTMENT OF  
 TELECOMMUNICATIONS & CABLE

NEXTG NETWORKS OF NY, INC.

*Complainant,*

v.

RCN NEW YORK COMMUNICATION,  
 LLC; RCN TELECOM SERVICES OF MA,  
 INC.; RCN TELECOM SERVICES, INC.;  
 AND RCN CORPORATION,

*Respondents.*

File No. DTC 08-5

**CONSENT MOTION TO EXTEND DEADLINE TO FILE REPLY**

Complainant NextG Networks of NY, Inc. d/b/a NextG Networks East ("NextG") files this consent motion for an extension of time to file its Reply to RCN New York Communication, *et al.* ("RCN's") Response in the above-captioned case. NextG requests a limited extension of fifteen (15) days to October 31, 2008 to file its reply.<sup>1</sup> The Department of Telecommunications and Cable (the "Department") has been notified of this request and counsel to RCN has given its consent to this extension.

The parties are currently engaged in discussions concerning resolution of NextG's Complaint. In order for these discussions to proceed and for the parties to have a reasonable amount of time to evaluate the possibility of a settlement, both NextG and RCN believe a limited fifteen (15) day extension of time for NextG to file its Reply is necessary. The principles of judicial economy weigh in favor of an extension of the Reply deadline so that the parties may

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<sup>1</sup> RCN filed an unopposed motion to extend the deadline for its Response to Friday, September 26, and filed and served its Response on that date. NextG's Reply would therefore be due on October 16, 2008, or 20 days after the date the Response was served. 220 CMR § 45.06(4).

continue to seek a mutually favorable settlement of NextG's claims without the need for Department involvement. Should the parties reach a settlement prior to the Reply deadline, we will promptly inform the Department.

**WHEREFORE**, NextG respectfully requests that the motion be granted.

Respectfully submitted,

**NEXTG NETWORKS OF NY, INC.**

By its Attorneys:



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October 9, 2008

### CERTIFICATE OF SERVICE

I, Dennis A. Murphy, hereby certify that on October 9, 2008, I caused a copy of the foregoing Consent Motion To Extend Deadline To File Reply to be served via U.S. mail, first-class postage prepaid, in accordance with the requirements of 220 CMR § 1.05(1) on the following:

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