



BROWNRUDNICK

DTC 08-5

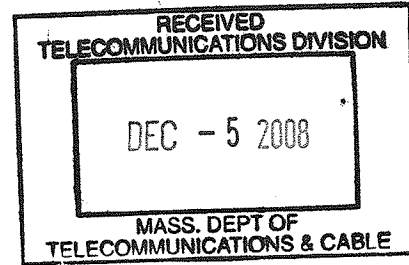
KEVIN P JOYCE
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December 5, 2008

VIA HAND DELIVERY

Catrice C. Williams, Secretary
Department of Telecommunications and Cable
Two South Station - 4th Floor
Boston, MA 02110



RE: 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

Dear Ms. Williams:

Enclosed for filing in connection with the above-referenced matter, please find one (1) original and three (3) copies of each of:

- (i) Proof of Notice; and
- (ii) Notice of Appearance on behalf of Kevin P. Joyce and Paul G. Afonso of Brown Rudnick.

Please date and time stamp the additional copy of these documents and return same to our waiting messenger.

Thank you for your attention to this matter.

Very truly yours,

BROWN RUDNICK LLP

Kevin P. Joyce /nsh
Kevin P Joyce

KPJ:nsh

Enclosure

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

NEXTG NETWORKS OF NY, INC.

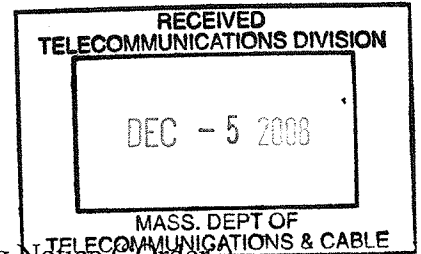
Complainant,

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



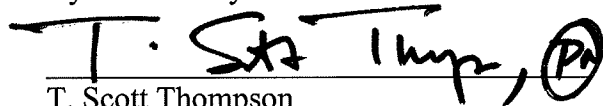
PROOF OF NOTICE

In response to the November 19, 2008 Order of Notice and Hearing Notice ("Order") issued by the Department of Telecommunications and Cable ("DTC") in this case, Complainant NextG Networks of NY, Inc. d/b/a NextG Networks East ("NextG") files this Proof of Notice. As specified in the Order, attached herewith is a Declaration of Kosta Jovanovic and proof of publication of the Notice of Filing and Public Hearing.

Respectfully submitted,

NEXTG NETWORKS OF NY, INC.

By its Attorneys:

A handwritten signature in black ink, appearing to read "T. Scott Thompson", followed by a circled "PA" (Professional Agent) stamp.

T. Scott Thompson

Christopher A. Fedeli

DAVIS WRIGHT TREMAINE, LLP

1919 Pennsylvania Avenue, NW, Suite 200

Washington, D.C. 20006

Tel: (202) 973-4200

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Kevin P. Joyce

Paul G. Afonso

BROWN RUDNICK

One Financial Center

Boston, MA 02111

Tel: (617) 856-8430

Fax: (617) 289-0528

Date: December 5, 2008

CERTIFICATE OF SERVICE

I, Paul G. Afonso, hereby certify that, on December 5, 2008, I caused a copy of the foregoing Proof of Notice to be served on the following parties via hand delivery and electronic mail (except where indicated otherwise) in accordance with the requirements of 220 CMR § 1.05(1):

Catrice C. Williams, Secretary
Department of Telecommunications and Cable
Two South Station – 4th Floor
Boston, Massachusetts 02110
also via email: Catrice.Williams@state.ma.us,
DTC.efiling@massmail.state.ma.us

Darlene Cantello, Hearing Officer
Department of Telecommunications and Cable
Two South Station – 4th Floor
Boston, Massachusetts 02110
also via email: Darlene.Cantello@state.ma.us

Geoffrey Why, General Counsel
Department of Telecommunications and Cable
Two South Station – 4th Floor
Boston, Massachusetts 02110
also via email: Geoffrey.G.Why@state.ma.us

Michael Isenberg, Director, Competition
Division
Department of Telecommunications and Cable
Two South Station – 4th Floor
Boston, Massachusetts 02110
also via email: Micahel.Isenberg@state.ma.us

Via First Class Mail

Lindsay D. Barna
Sullivan & Worcester LLP
1666 K Street NW
Washington, DC 20006
also via email: lbarna@sandw.com



Paul G. Afonso
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Fax: (617) 289-0528

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

NEXTG NETWORKS OF NY, INC.

Complainant,

v.

RCN NEW YORK COMMUNICATION,
LLC; RCN TELECOM SERVICES OF MA,
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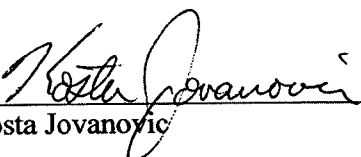
File No. DTC 08-5

DECLARATION OF KOSTA JOVANOVIC

I, Kosta Jovanovic, declare and state as follows:

1. I am the Local Market Manager for Complainant NextG Networks of NY, Inc.
2. As evidenced by the attached "E-Sheet" provided by the Boston Globe, pursuant to the DTC's November 19, 2008 Order in the above captioned proceeding, I have caused the Notice of Filing and Public Hearing set forth in the DTC's November 19, 2008 Order to be and in fact the Notice was published in the Boston Globe on November 29, 2008.

I declare under penalty of perjury under the laws of the United States of America and the State of Massachusetts that the foregoing is true and correct and that this Declaration was executed by me on December 5, 2008.


Kosta Jovanovic

1-888-694-5623

1-888-694-5623