

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

NEXTG NETWORKS OF NY, INC.

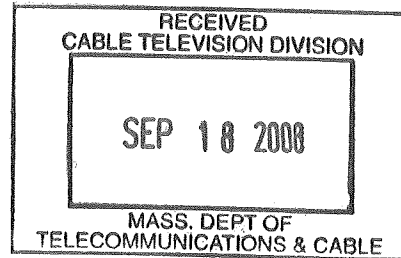
Complainant,

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



MOTION TO EXTEND DEADLINE TO FILE ANSWER

Respondents, RCN New York Communication, LLC; RCN Telecom Services of MA, Inc.; RCN Telecom Services, Inc.; and RCN Corporation (collectively "RCN"), through its undersigned counsel and pursuant to 220 CMR § 1.02(5), hereby request an extension of time to file an Answer to Complainant's, NextG Networks of NY, Inc.'s ("NextG") Complaint for Denial of Access to Conduit and Request for Expedited Treatment (the "Complaint").¹ RCN seeks an extension of the fourteen (14) day deadline to file an answer until September 26, 2008. As further grounds for this motion, RCN states as follows:

1. RCN understood and was informed that there was a dispute as to whether the Department of Telecommunications and Cable ("DTC") or the Department of Public Utilities ("DPU") had jurisdiction over this matter. DTC informed RCN that it was

¹ Based on the certificate of service, the Complaint was filed on September 8, 2008, however RCN understands that the Complaint was filed on September 9, 2008 with the Department of Telecommunications and Cable.

accepting jurisdiction of the matter on September 17, 2008, less than a week prior to the original answer due date.

2. NextG makes broad factual allegations as part of its Complaint, including allegations regarding RCN's ownership and control of many discrete segments of conduit. In order to respond to these allegations, RCN must review the status of each of the segments of conduit discussed in the Complaint, determine the ownership of the conduit and/or RCN's rights in the conduit, and confirm the capacity of those conduits. Due to the many segments, in disparate geographic locations, discussed in the complaint, RCN requests an extension to file an answer so that it may complete its review and file a complete response (supported by affidavits, as needed) as required by 220 CMR 45.05.²

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² 220 CMR 45.05 provides that the response to the complaint "shall specifically address all contentions made by the complainant" and that "All factual statements shall be supported by affidavit(s)."

WHEREFORE, the respondents, RCN, respectfully request that the DTC allow an extension for RCN to file an Answer to the Complaint, on September 26, 2008.

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

By their attorneys,

September 18, 2008



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CERTIFICATE OF SERVICE

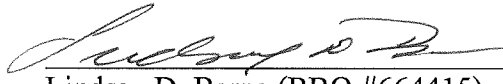
I, Lindsay D. Barna, hereby certify that on September 18, 2008, I caused a copy of the foregoing Motion to Extend Deadline to File Answer to be served via U.S. mail, first-class postage prepaid, in accordance with the requirements of 220 CMR § 1.05(1) on the following:

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