

March 3, 2008

**BY E-FILEING AND HAND DELIVERY**

Ms. Catrice Williams, Secretary  
Department of Telecommunications & Cable  
One South Station, 2nd Floor  
Boston Massachusetts 02110

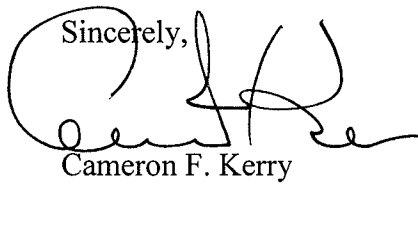
Re: DTC 07-9 - Petition for Investigation under Chapter 159, Section 14 of the  
Intrastate Access Rates of Competitive Local Exchange Carriers

Dear Ms. Williams:

Enclosed for filing in the matter captioned above, please find Motion of Comcast Phone of Massachusetts, Inc. for Extension of Time to Reply to Motions to Dismiss, together with Certificate of Service. Please acknowledge receipt of same by date-stamping the enclosed copy of this cover letter and returning it via the messenger.

I am authorized to state that the moving parties on the pending motions to dismiss – XO Communications, Inc., RNK, Inc., PAETEC Communications, Inc., and One Communications, Inc. – assent to this motion.

Thank you very much for your assistance in this matter. Please call me if you have any questions.

Sincerely,  
  
Cameron F. Kerry

CFK/jdn

cc: Service List (by email and U.S. mail)  
Stacey L. Parker  
Andrew Fisher  
Lindsay Deroche

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

BOSTON | WASHINGTON | NEW YORK | STAMFORD | LOS ANGELES | PALO ALTO | SAN DIEGO | LONDON

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

\_\_\_\_\_)  
Petition for Investigation under Chapter 159, )  
Section 14 of the Intrastate Access Rates of )  
Competitive Local Exchange Carriers )  
\_\_\_\_\_)

D.T.C. 07-9

**MOTION OF COMCAST PHONE OF MASSACHUSETTS, INC.**  
**FOR EXTENSION OF TIME**  
**TO REPLY TO MOTIONS TO DISMISS**

Intervenor Comcast Phone of Massachusetts, Inc. ("Comcast") respectfully moves that the Department of Telecommunications and Cable ("the Department") extend the time within which Comcast can file a reply to motions to dismiss in this proceeding to and including Wednesday, March 5, 2008. As grounds for this motion, Comcast states:

1. The Department established a procedural schedule on February 12, 2008 that provides for the filing of motions to dismiss on February 27, 2008 and for filing of replies to such motions on March 3, 2008.
2. Pursuant to this schedule, XO Communications Services, Inc.; RNK, Inc. d/b/a. RNK Communications; PAETEC Communications, Inc.; and One Communications, Inc., filed motions to dismiss.
3. Comcast wishes to file a reply to these motions. The undersigned outside counsel for Comcast, the Mintz Levin firm, however, has recognized that it has a conflict of interest as result of the interventions and alignment of parties. Mintz Levin also represents One Communications and RNK, Inc. (parties to these proceedings) in matters unrelated to these proceedings, and it has become apparent that the interests of Comcast in these proceedings are adverse to those of One Communications and RNK, Inc.

Accordingly, Mintz Levin's continued representation of one client adverse to the interests of other Mintz Levin clients would be a violation of Rule 1.7 of the Massachusetts Rules of Professional Conduct absent a waiver of the conflicts of interest. The conflicts have not been waived. In these circumstances, Mintz Levin is required to withdraw from representation of Comcast pursuant to Rule of Professional Conduct 1.16(a)(1).

4. This motion is one of the steps required by Rule 1.16(d) of the Massachusetts Rules of Professional Conduct, to enable termination of representation because of a conflict without prejudice to the client losing the services of counsel responsible for representation in this proceeding. Mintz Levin recognized at the end of last week that it has to withdraw and so notified Comcast at the earliest practicable opportunity, which was on Saturday, March 1. Comcast has been in the process of engaging successor counsel over the weekend, but has not completed the process and therefore is unable to complete the filing of a reply to pending motions to dismiss today.

5. Comcast therefore seeks this extension of time to allow an orderly transition of the representation and enable new counsel to file replies on behalf of Comcast not later than March 5. The other parties to this proceeding will not be prejudiced by this brief delay in the filing of the replies.

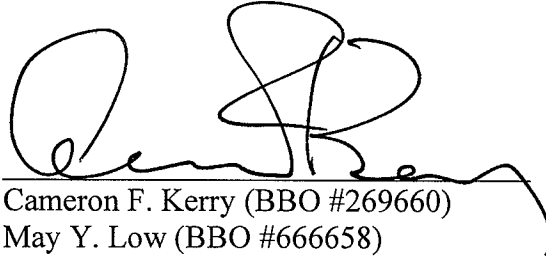
6. We are authorized to state that the moving parties on the pending motions to dismiss – XO Communications, Inc., RNK, Inc., PAETEC Communications, Inc. and One Communications, Inc. – assent to this motion.

For the foregoing reasons, Comcast respectfully requests that this Motion to for Extension of Time be granted.

Respectfully submitted,

COMCAST PHONE OF  
MASSACHUSETTS, INC.

By its attorneys

A handwritten signature in black ink, appearing to read 'Cameron F. Kerry', written over a horizontal line.

Cameron F. Kerry (BBO #269660)  
May Y. Low (BBO #666658)  
Mintz, Levin, Cohn, Ferris, Glovsky  
and Popeo, P.C.

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Dated: March 3, 2008

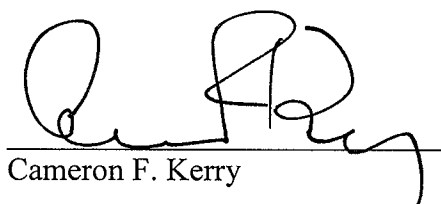
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 07-9

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1).

Dated: March 3, 2008



Cameron F. Kerry

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