

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

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COMPLAINT OF NEXTG NETWORKS OF NY, INC., FOR  
DENIAL OF ACCESS TO CONDUIT BY RCN NEW YORK  
COMMUNICATION, LLC; RCN TELECOM SERVICES OF  
MA, INC., RCN TELECOM SERVICES, INC., AND RCN  
CORPORATION

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D.T.C. 08-5

RULING ON MOTION FOR EXTENSION OF TIME TO FILE ANSWER  
FILED BY RCN NEW YORK COMMUNICATION, LLC; RCN TELECOM SERVICES OF  
MA, INC., RCN TELECOM SERVICES, INC., AND RCN CORPORATION

On September 18, 2008, RCN New York Communication, LLC; RCN Telecom Services of MA, Inc., RCN Telecom Services, Inc., and RCN Corporation (collectively "RCN") filed a motion with the Department of Telecommunications and Cable ("Department") seeking an extension of time, pursuant to 220 CMR § 1.02(5), to file an answer to the complaint filed by NextG Networks of NY, Inc. with the Department on September 9, 2008. Presently, RCN is required to file an answer by September 22, 2008. In support of its motion, RCN states the following:

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 the it was 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 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) required by 220 CMR § 45.05.

Accordingly, the Motion for Extension of Time until Friday, September 26, 2008 is hereby granted.

/s/ Darleen Cantelo

Darleen Cantelo  
Hearing Officer  
September 24, 2008