

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
RCN TELECOM SERVICES OF)	
PHILADELPHIA, INC.)	
)	
v.)	PA No. 01-03
)	
PECO ENERGY COMPANY)	
)	
and)	
)	
EXELON INFRASTRUCTURE SERVICES, INC.)	

MOTION FOR EXTENSION OF TIME

RCN Telecom Services of Philadelphia, Inc. ("RCN"), by the undersigned counsel, herewith seeks an eight day extension of time, to and including August 31, 2001, to respond to (1) PECO Energy Co's Motion for Leave to File Motion to Strike and (2) Motion to Strike, both filed by PECO on August 9, 2001 (the "Motions"), and to respond to PECO's Request For Confidential Treatment And Non-Disclosure Of Proprietary Commercial And Financial Information ("Request for Confidentiality"), filed on July 5, 2001. In support thereof, RCN shows the following:

On July 9, 2001, RCN, complainant in the above-captioned matter, filed a Reply to Responses of PECO Energy Co. and its affiliate, Exelon Infrastructure Services, Inc. to RCN's Amended Complaint. On August 9, 2001, PECO filed a Motion for Leave to File a Motion to Strike, and a Motion to Strike, directed against portions of RCN's Reply. Under the provisions of sections 1.45(a) and 1.4(h) of the Commission's rules, RCN's Oppositions to PECO's Motions

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are due tomorrow, August 23, 2001. RCN's response to PECO's Request for Confidentiality was due on July 16, 2001.

However, the undersigned counsel learned of the existence of PECO's Request for Confidentiality, and its August 9 Motions, only this morning, upon returning from an extended absence.¹ Although PECO recites service both on the undersigned and co-counsel, it appears on inquiry that both copies of PECO's filings were mailed to the undersigned. Due to an administrative oversight within counsel's office, however, these filings were not forwarded to counsel or co-counsel. Accordingly, until the undersigned returned to the office this morning, neither RCN counsel was aware of the existence of these filings.² Because Counsel learned of the existence of these pleadings only today, compliance with the normal 7-day notice provision in section 1.46(c) is not possible.

RCN believes PECO's Motions lack merit and should be denied. It would also like to respond briefly to the Request for Confidentiality. Under the circumstances RCN seeks an eight day extension of time to permit it to respond to PECO's Motions and to establish August 31, 2001 as the date for filing a response to PECO's Request for Confidentiality as well. The brief delay attendant upon grant of this request will permit RCN to address the procedural and substantive issues raised by PECO's filings and is not likely to have any material impact on the speedy resolution of the present dispute. Moreover, as RCN is the complainant, any such delay would be likely to prejudice RCN rather than PECO. Indeed, RCN earlier consented to a 14-day

¹ The undersigned was out of the office beginning on June 20, 2001.

² RCN has followed the practice in this matter of serving PECO directly, as well as its counsel. Because PECO has not served RCN directly, no one at RCN had any knowledge about the pending PECO pleadings.

extension requested by PECO.³ Counsel for PECO has authorized the undersigned to state that PECO will not oppose this request for extension of time.

Wherefore RCN seeks an extension to and including August 31, 2001 to oppose PECO's Motions filed on August 9, 2001, and to respond to PECO's Request for Confidentiality.

Respectfully submitted,

RCN Telecom Services of Philadelphia, Inc.

By:



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Date: August 22, 2001

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³ See Order, DA01-1339, *rel.* June 1, 2001.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August, 2001, copies of the foregoing Motion for Extension of Time were served on the following by hand delivery* and first-class U.S. mail, postage-paid:

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