

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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NEW YORK OFFICE
405 LEXINGTON AVENUE
NEW YORK, NY 10174

April 4, 2001

HAND DELIVERY

Cheryl King, Esq.
Cable Services Bureau
Federal Communications Commission
445 12th Street, N.W., Room 3-C830
Washington, D.C., 20554

Re: ***RCN Telecom Services of Philadelphia, Inc. v. Exelon Corp. f/k/a PECO Energy Company, PA No. 01-***

Dear Ms. King:

Based on conversations with you and another CSB staff member last week there appears to be some confusion or uncertainty about the filing of a formal Pole Access Complaint by RCN Telecom Services of Philadelphia, Inc. against Exelon Corp., f/k/a PECO Energy Co. RCN's Complaint was filed through the FCC's Pittsburgh agent as required by the rules because such filings involve the payment of a filing fee. Copies were simultaneously hand delivered to the Secretary, Magalie Roman Salas, and to CSB staffers, Deborah Lathen, Kathleen Costello, William H. Johnson and you. Enclosed is a copy of the transmittal letter for the Complaint bearing the received stamp of the Mellon Bank in Pittsburgh showing a filing date of March 16, 2001. Another copy of the transmittal letter stamped by the Secretary's office on the same day is also enclosed. Enclosed as well is a copy of the Form 159 and a copy of the check for payment of the \$205.00 filing fee.

Accordingly the filing should be shown as received by the Commission as of that date, and processed accordingly. In the event this requires any *nunc pro tunc* administrative steps I would appreciate having them taken as quickly as possible. If you require any further information in respect to this matter, please be kind enough to call me.

Very truly yours,



William L. Fishman
Counsel to RCN Telecom Services of
Philadelphia, Inc.

Enclosures

cc: Service List

Template 06C002

2147 DS 06C04

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

DATE STAMP AND RETURN

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
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WWW.SWIDLAW.COM

NEW YORK OFFICE
405 LEXINGTON AVENUE
NEW YORK, NY 10174
(212) 973-0111 FAX (212) 891-9598

March 16, 2001

VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W., Rm. TW-A325
Washington, DC 20554

FCC/MELLON MAR 16 2001

Re: ***RCN Telecom Services of Philadelphia, Inc. v. Exelon Corp. f/k/a PECO Energy Company, PA No. 01-***

Dear Ms. Salas:

Attached are an original and three (3) copies of the Pole Attachment Complaint of RCN Telecom Services of Philadelphia, Inc. ("RCN") against Exelon Corp. f/k/a PECO Energy Company ("PECO"), filed pursuant to section 224 of the Communications Act of 1934, as amended, and 47 C.F.R. § 1.1401, *et. seq.* By its undersigned counsel, RCN respectfully requests that the Commission accept as proper the enclosed Complaint and attachments and exhibits thereto, and commence a proceeding under its rules to investigate PECO's unjust and unreasonable pole attachment rates.

If you have any questions concerning this matter, please contact the undersigned.

Sincerely,



William L. Fishman
Peter A. Corea

Enclosure

371090

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP **DATE STAMP AND RETURN**

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
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March 16, 2001

RECEIVED

MAR 16 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W., Rm. TW-A325
Washington, DC 20554

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Energy Company, PA No. 01-***

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Sincerely,



William L. Fishman
Peter A. Corea

Enclosure

371090

SECTION A - PAYER INFORMATION

1) PAYER NAME (If paying by credit card, enter name exactly as it appears on your card)		(5) TOTAL AMOUNT PAID (dollars and cents)	
Audler Berlin Shereff Friedman, LLP		\$205.00	
2) STREET ADDRESS LINE NO. 1		3000 K Street, N.W.	
3) STREET ADDRESS LINE NO. 2		Suite 300	
4) CITY		(7) STATE	(8) ZIP CODE
Washington		D.C.	20007-5116
5) DAYTIME TELEPHONE NUMBER (include area code)		(10) COUNTRY CODE (If not in U.S.A.)	
202-945-6986			

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

1) APPLICANT NAME (If paying by credit card, enter name exactly as it appears on your card)	
CN Telecom Services of Philadelphia, Inc.	
2) STREET ADDRESS LINE NO. 1	
850 Rittenhouse Road	
3) STREET ADDRESS LINE NO. 2	
4) CITY	
(7) STATE	(10) ZIP CODE
PA	19403
5) DAYTIME TELEPHONE NUMBER (include area code)	
(10) COUNTRY CODE (If not in U.S.A.)	
(84) 399-8300	

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

9A) FCC CALL IGN/OTHER ID	(20A) PAYMENT TYPE CODE (PTC)	(21A) QUANTITY	(22A) FEE DUE FOR (PTC) IN BLOCK 20A \$205.00	FCC USE ONLY
	T P C			
3A) FCC CODE 1 REL FCC CALL SIGN/OTHER	(20B) PAYMENT TYPE CODE (ETC)	(21B) QUANTITY	(23B) FEE DUE FOR (ETC) IN BLOCK 20A	FCC USE ONLY
3B) FCC CODE 1	(20C) PAYMENT TYPE CODE (ETC)	(21C) QUANTITY	(23C) FEE DUE FOR (ETC) IN BLOCK 20A	FCC USE ONLY
3C) FCC CALL SIGN/OTHER	(20D) PAYMENT TYPE CODE (ETC)	(21D) QUANTITY	(23D) FEE DUE FOR (ETC) IN BLOCK BLOCK 20A	FCC USE ONLY
3D) FCC CODE 1	(20E) PAYMENT TYPE CODE (ETC)	(21E) QUANTITY	(23E) FEE DUE FOR (ETC) IN BLOCK BLOCK 20A	FCC USE ONLY
FCC CODE 1			(24D) FCC CODE 2	

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2	
PAYER TIN	0 1 3 2 6 7 9 6 7 6
APPLICANT TIN	0 2 3 2 8 6 4 8 2 6

SECTION E - CERTIFICATION

77) CERTIFICATION STATEMENT

William L. Fishman, certify under penalty of perjury that the foregoing and supporting information are true and correct to the best of my knowledge, information and belief.

SIGNATURE

SECTION F - CREDIT CARD PAYMENT INFORMATION

(8) MASTERCARD/VISA ACCOUNT NUMBER:	EXPIRATION DATE:
MASTERCARD	MONTH YEAR
VISA	
I hereby authorize the FCC to charge my VISA or MASTERCARD for the service authorization(s) herein described.	
AUTHORIZED SIGNATURE	DATE

REF. #	INV. #	DATE	INVOICE AMOUNT	INVOICE DESCRIPTION	AMOUNT PAID
140676	ST031601	03-16-01	205.00	Filing	205.00
STOMER NO.					

ORIGINAL DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER & HAS A MICROPRINTED BORDER

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K STREET, N.W. SUITE 300
WASHINGTON, DC 20007

CHECK DATE

03/16/01

CHECK NO. D 129503

Citibank DC Operating
1775 Pennsylvania Avenue, NW
Suite 440
Washington, DC 20006

CHECK AMOUNT

205.00*****

TWO HUNDRED FIVE AND 00/100 Dollars

TWO SIGNATURES REQUIRED ON CHECK

OVER \$10,000.00

PAY
TO THE
ORDER OF

FCC


OPERATING ACCOUNT

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

11 129503 11 12540701161 11 37402064 11

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April 2001 copies of the foregoing letter to Cheryl King, was sent via hand delivery* and first class U.S. mail to the following parties.

John Halderman
Exelon Corp
2301 Market Street, N3-3
Philadelphia, PA 19101-8699

Michael Williams
Exelon Corp
2301 Market Street, N3-3
Philadelphia, PA 19101-8699

Deborah Lathen*
Chief, Cable Services Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-C740
Washington, D.C. 20554

Kathleen Costello*
Cable Services Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-C830
Washington, D.C. 20554

William H. Johnson*
Cable Services Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-C830
Washington, D.C. 20554

Marsha Gransee
Office of General Counsel
Federal Energy Regulatory Commission
Room 10D-01
888 First Street, N.E.
Washington, D.C. 20426

James P. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

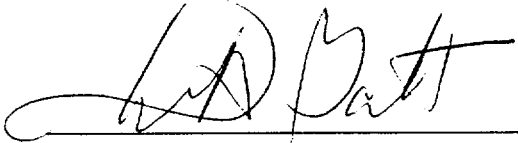
Louise Fink Smith
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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965 Thomas Drive
Warminster, PA 18974

Gary M. Zingaretti
Commonwealth Telephone Enterprises, Inc.
100 CTE Drive
Dallas, PA 18612


Sharon Gantt

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