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January 19, 2010

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VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Re: Paulette Brown v. RCN Telecom Services, Inc.
Docket Nos. F-2009-2142633, C-2009-2150014

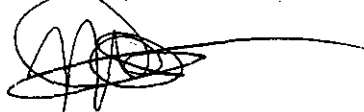
Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of the Motion to Consolidate on behalf of RCN Telecom Services, Inc. ("RCN") in the above-referenced matters. Please be advised that we are also filing today an Answer and New Matter to the C-docket complaint simultaneously with the Motion to Consolidate. This document has also been served on the parties of record as shown in the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER P.C.



Matthew A. Totino

Enclosures

c: As per Certificate of Service

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3. On or about January 6, 2010, RCN filed an Answer and New Matter denying the material allegations in the Complaint. RCN in its New Matter also asserted that the Commission's jurisdiction in this matter is limited to the telephone portion of Complainant's account.

4. On or about December 11, 2009, Ms. Brown filed another Formal Complaint against RCN at Docket No. C-2009-2150014. In the Complaint, Ms. Brown alleges, among other things, that there are incorrect charges on her account and that there is a reliability, safety, or quality problem with her utility service. Ms. Brown also requests a payment arrangement.

5. The December 11, 2009 Complaint was served on RCN via First Class Mail on or about December 30, 2009.

6. RCN has filed an Answer and New Matter simultaneously with this Motion denying the material allegations in the Complaint and reiterating that the Commission's jurisdiction in this matter is limited to telephone service.

7. RCN believes that it is appropriate for this Commission to consolidate the above-referenced Complaints for hearing and decision.

8. The regulations at 52 Pa. Code § 5.81 allow this Commission or the presiding officer to order the consolidation of proceedings "involving a common question of law or fact." The pleadings filed by the parties in the above-referenced proceedings contain common issues of law and fact, which justify consolidation in order to further judicial economy, conserve resources, and ensure a consistent outcome.

9. Of note, both Complaints concern the same Service Location, the same parties (Ms. Brown and RCN), the same services (telephone), and the same time period in question (RCN bills for telephone services rendered from March through

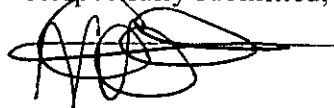
November/December 2009). In addition, both Complaints involve the same general issue (RCN's billing for telephone service) and the same ultimate question of law (whether RCN has provided adequate and reasonable telephone service under the Public Utility Code and applicable law).

10. This Commission has significant discretion in deciding a Motion to Consolidate Proceedings. Consolidation of these proceedings will avoid the possible need for two separate Administrative Law Judges and two separate hearings to address the adequacy and lawfulness of billing for the same account at the Service Location. Thus, consolidation promotes basic principles of judicial economy by avoiding the possibility of needless duplication of litigation and by allowing all parties involved to conserve resources by presenting their evidence at one hearing.

11. For the foregoing reasons, RCN urges this Commission to consolidate the above-referenced proceedings either before the Commission's Informal Resolution Process and/or before one Administrative Law Judge for hearing and recommended decision in accordance with Section 5.81 of the Pennsylvania Code, 52 Pa. Code § 5.81.

WHEREFORE, RCN Telecom Services, Inc. hereby requests that this Commission grant the foregoing Motion to Consolidate Proceedings.

Respectfully submitted,



Dated: January 19, 2010

Matthew A. Totino
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Attorneys for RCN Telecom Services, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

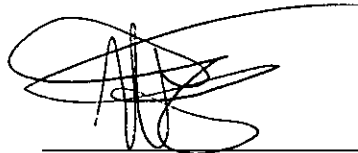
Paulette Brown :
v. : Docket No. C-2009-2150014
RCN Telecom Services, Inc. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the relevant documents in accordance with the requirements of 52 Pa. Code § 1.54 et seq. (relating to service by a participant).

VIA FIRST CLASS MAIL

Paulette Brown
3633 Margate Road
Bethlehem, PA 18020



Dated: January 19, 2010

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