

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

In the Matter of

Massachusetts Department of Telecommunications and  
Cable Form 328 Certification in:

Adams, MA (MA0001)

Section 76.910 INBOX

**MOTION FOR LEAVE TO FILE SURREPLY OF  
THE MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND  
CABLE TO TIME WARNER CABLE INC.'S REPLY**

The Massachusetts Department of Telecommunications and Cable (“MDTC”) hereby respectfully moves for leave to file the accompanying Surreply in the above-referenced proceeding. The MDTC wishes to file the Surreply to address new data that Time Warner Cable Inc. (“Time Warner”) provided for the first time in its January 28, 2016, Reply. Specifically, Time Warner included in its Reply not only new evidence from the Media Business Corp., but also a new Satellite Broadcasting Communications Association report dated January 21, 2016, two days after the MDTC filed its Opposition. Inclusion of this new evidence constitutes the “extraordinary circumstances” necessary for the Federal Communications Commission’s (“FCC”) to permit an additional pleading.<sup>1</sup>

In the interests of providing a complete and accurate record in this proceeding, acceptance of the accompanying Surreply would serve the public interest and would not burden

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<sup>1</sup> 47 C.F.R. § 76.7(d); *see also In re Comcast Cable Commc’ns, LLC*, 26 FCC Rcd 1200, 1205 n.45, *Memorandum Opinion & Order* (MB 2011) (including a surreply in the record for the purpose of having a complete record).

Time Warner or delay this proceeding. Accordingly, the MDTC respectfully requests that the FCC grant this Motion and include the accompanying Surreply in the record in this proceeding.

Respectfully submitted,

KAREN CHARLES PETERSON,  
COMMISSIONER

By:     /s/ Sean M. Carroll      
Sean M. Carroll, Counsel

Massachusetts Department of  
Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
(617) 305-3580

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