

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
City Signal Communications, Inc., )  
Petitioner )  
v. )  
City of Cleveland Heights, )  
Defendant )

CS Docket No. 00-253

In the Matter of )  
City Signal Communications, Inc., )  
Petitioner )  
v. )  
City of Wickliffe, )  
Defendant )

CS Docket No. 00-254 /

In the Matter of )  
City Signal Communications, Inc., )  
Petitioner )  
v. )  
City of Pepper Pike, )  
Defendant )

CS Docket No. 00-255

**Reply**  
**Comments of the City of Trenton**  
**In Response to Comments of**  
**Metromedia Fiber network Services**  
**Of January 30, 2001**

The City of Trenton New Jersey (Trenton) joins other outraged and flabbergasted local governments who have dealt with Metromedia Fiber Network Services (MFNS) in opposing the statements of MFNS contained in its January 30, 2001 filing, CS Docket Nos. 00-253, 254, and 255. As has been stated previously, our reading of those comments indicates that, at least as to

Trenton, MFNS is making statements which seek to mislead the Federal Communications Commission (Commission) in its review of the underlying petition. In support of its allegation of unfair and illegal treatment at the hands of various local governments, MFNS lists as an example a municipal ordinance of the City of Trenton establishing a \$25.00 per linear foot fiber installation charge. While it is true on its face, what MFNS has failed to disclose is that the per linear foot amount reflects a present value calculation of fee or in-kind service which is based on MFNS's suggested formula, and written in conjunction with MFNS. The City's almost yearlong negotiation with MFNS was based upon MFNS's own calculation of installing 7,000 linear feet in Trenton. We had an agreement with MFNS, and at the eleventh hour, due to their own internal miscommunications, they realized that they would need to install 40,000 linear feet. In addition, at several points during our meetings with the MFNS, we disputed MFNS's calculation of per foot installation cost, and we informed MFNS that independent bids for this exact service resulted in costs far lower on a per linear foot basis than those claimed by MFNS as its actual installation costs without profit. The number quoted is thus totally due to MFNS's apparent inability to properly understand the mathematics of its own installation, rather than any attempt by Trenton to exact some sort of special price from MFNS.

For the Commission's information, this was only one of a series of such apparent miscommunications by MFNS. During the course of several months of discussions with MFNS, we were never able to get a final plan of alignment for the activity MFNS wished to undertake in our city, MFNS was never able to provide definitive maps regarding proposed locations of service, there was a constant changing of personnel, both legal and otherwise, who met with the Trenton, and MFNS communicated a sense of considerable internal lack of sophistication and disarray not only regarding the negotiation process itself, but the actual specifics of the project it wished to undertake in our city.

In light of MFNS's negotiating performance, especially when read in the context of the statements they have submitted to the Commission, it is very easy to leap to the conclusion that the entire negotiation with the City of Trenton was a sham intended to generate the kind of ordinance now being cited as the basis for a claim of relief to the Commission. In light of this filing, the City of Trenton has no recourse by to question the underlying good faith of MFNS during the negotiations, as well as its overall competence to implement such a project in the first place.

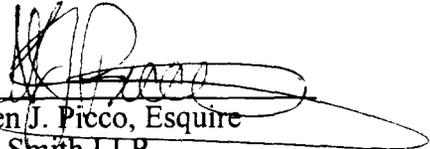
RECEIVED

APR 6 2001

FCC MAIL ROOM

We strongly suggest that any factual assertion by MFNS be viewed by the Commission with deep skepticism, and be subjected to the full power of examination that the Commission possesses.

Respectfully submitted,



Steven J. Picco, Esquire  
Reed Smith LLP  
Princeton Forrestal Village  
136 Main Street, Suite 250  
Princeton, New Jersey 08540  
(609) 514-5970  
email: [sjpicco@reedsmith.com](mailto:sjpicco@reedsmith.com)

Dated: 4/4/01

RECEIVED

APR 06 2001

FCC MAIL ROOM

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing REPLY COMMENTS OF THE CITY OF TRENTON IN RESPONSE TO COMMENTS OF METROMEDIA FIBER NETWORK SERVICES of JANUARY 30, 2001 were served via First Class mail postage paid on this 4th day of APRIL, 2001, on the following:

Magalie Roman Salas (Original + 6)  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Dorothy Attwood  
Chief, Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

Michelle Carey  
Chief, Policy and Program Planning Division  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

Glen Reynolds  
Associate Chief, Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

Jordan Goldstein, Legal Advisor  
Office of Commissioner Ness  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W., Room 8B115  
Washington, DC 20554

Rebecca Beynon  
Legal Advisor, Common Carrier Matters  
to Commissioner Furchtgott-Roth  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

Kyle D. Dixon, Legal Advisor  
Office of Chairman Powell  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W., Rm. 8 A204  
Washington, DC 20554

RECEIVED

APR 06 2001

FCC MAIL ROOM

Deena Shetler  
Legal Advisor to Office of Commissioner Tristani  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

Christopher J. Wright  
General Counsel  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

Anna Gomez  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

William Kehoe  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

International Transcription Services, Inc.  
445 12<sup>th</sup> St., S.W.  
Room CY-B402  
Washington, DC 20554

Janice Myles  
Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W., Room 5-C327  
Washington, DC 20554

Trudy Hercules  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W., Room 4-C474  
Washington, DC 20554

Nathaniel Hawthorne, Esq.  
27600 Chagrin Blvd.  
Cleveland, OH 44122

City of Wickliffe  
28730 Ridge Road  
Wickliffe, OH 44092

Hon. Julie Morales  
City of Wickliffe  
28730 Ridge Road  
Wickliffe, OH 44092

RECEIVED

APR 06 2001

FCC MAIL ROOM

City Manager  
City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118

John Gibbon  
Law Director  
City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118

City of Pepper Pike  
28000 Shaker Blvd.  
Pepper Pike, OH 44092

Hon. Bruce Akers  
Mayor  
City of Pepper Pike  
28000 Shaker Blvd.  
Pepper Pike, OH 44092

Jonathan Askins  
Association of Local Telecommunications Services  
888 17<sup>th</sup> St., N.W., Suite 900  
Washington, DC 20006

Karen M. Coppa  
Assistant Corporation Counsel  
City of Boston  
City Hall - Room 615  
One City Hall Square  
Boston, MA 02201

Robert F. Pilicy  
City Solicitor  
City of Waltham  
119 School Street  
Waltham, MA 02454

Gayle A. Smalley  
Associate City Solicitor  
City of Newton  
1000 Commonwealth Ave.  
Newton Centre, MA 02459

Karen Nations  
Metromedia Fiber Network Services, Inc.  
One Meadowlands Plaza  
East Rutherford, NJ 07073

RECEIVED

APR 06 2001

FCC MAIL ROOM

Timothy Higgins  
Executive Secretary  
Town of Lincoln  
Town Hall  
Lincoln Road  
Lincoln, MA 01773

Wade M. Welch  
Town Counsel  
Town of Winchester  
45 School Street  
Boston, MA 02108

Timothy Mulligan  
O'Connor, DeGrazia & Tamm, PC  
4111 Andover Road, Suite 300 East  
Bloomfield, MI 88302

Debra A. Walling  
Corporate Counsel  
13615 Michigan Avenue  
Dearborn, MI 48126

Peter Van Haren  
Phoenix City Attorney  
Phoenix City Hall  
200 West Washington  
Suite 1300  
Phoenix, AZ 85003

Dennis O'Neill  
Chandler City Attorney's Office  
City of Chandler  
Mail Stop 602  
P.O. Box 4008  
Chandler, AZ 85224

Paul Valle-Riestra  
Walnut Creek City Attorney's Office  
1655 N. Main Street #390  
Walnut Creek, CA 94956

Manuelal Albuquerque  
Berkeley City Attorney  
1947 Center Street, First Floor  
Berkeley, CA 94704

RECEIVED

APR 06 2001

FCC MAIL ROOM

Judith Trice  
Assistant City Attorney  
City of Richmond  
City Hall, Room 330  
Richmond, CA 94804

Steve Horner  
Holman Hansen Colville and Coates  
10740 Nail Ave., Suite 200  
Overland Park, KS 66211

Lisa R. Wetzler  
City of Leawood City Hall  
4800 Town Center Drive  
Leawood, KS 66211

Pat Jackson  
Assistant Parish Attorney  
1221 Elmwood Park Blvd.  
Suite 701  
Jefferson, LA 70123

Tom McCormick  
City Attorney  
222 W. Hargett St.  
Raleigh, NC 27602

Carol Schwab  
City Attorney  
P.O. Box 507  
Culver City, CA 90232

Bob C. Sterbank  
City Attorney  
P.O. Box 9718  
Federal Way, WA 98063

Thomas Evans  
City Attorney  
4705 16<sup>th</sup> Ave., N.E.  
Seattle, WA 98105

Douglas S. Crawford  
Cleary, Alfieri and Arasso  
Lakeview Professional Building  
5 Ravine Drive  
Matawan, NJ 07747

RECEIVED

APR 06 2001

FCC MAIL ROOM

Quinn Bennion  
Interim City Administrator  
City of Merriam  
9000 W. 62<sup>nd</sup> Terrace  
Merriam, KS 66202

Dennis Barlow  
City Attorney  
275 East Olive Avenue  
Burbank, CA 91510

Scott Howard  
City Attorney  
613 E. Broadway  
Glendale, CA 91206

Susan Ferraro  
City of Bayonne Law Dept.  
630 Avenue C  
Bayonne, NJ 07002

Richard J. Donohue  
City Attorney  
47 Summit Ave.  
Hackensack, NJ 07601

Kirk Wines  
City Attorney  
210 Crockett St.  
Seattle, WA 98109

Anna Harkins  
Assistant State's Attorney  
DuPage County State's Attorney Office  
505 County Farm Rd.  
Wheaton, IL 60187

Kevin O'Keefe  
City Attorney  
130 S. Bemiston #200  
Clayton, MO 63105

John F. Maher  
Town Counsel  
Town of Arlington  
50 Pleasant St.  
Arlington, MA 02476

  
Steven J. Picco  
6