

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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Secretary

February 17, 2004

Hon. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 12 St., SW
Washington, D.C. 20554

RE: Comments of the New York State Department of Public Service in the Matter of Application of RCN Telecom Services, Inc. to Discontinue Domestic Telecommunications Services;
WC Docket No. 04-17, Comp. Pol. File No. 672

Dear Secretary Dortch,

The New York State Department of Public Service ("NYDPS") submits these comments in response to the Federal Communications Commission's ("Commission") Public Notice ("Notice") issued February 2, 2004 in the above referenced proceeding. The Notice seeks comments on the application of RCN Telecom Services, Inc. ("RCN") to discontinue the provision of local telephone service within the affected service areas in New York.¹ The discontinuance of service will be effective 31 days after the release of the Notice, which is March 5, 2004.

¹ The affected service areas are the Town of Beekman (Dutchess County); the Village of Brewster (Putnam County); the Town of Carmel (Putnam County); the Town of Kent (Putnam County); the Town of Patterson (Putnam County); the Town of Pawling (Dutchess County); the Village of Pawling (Dutchess County); the Town of Putnam Valley (Putnam County); the Town of Somers (Westchester County); and the Town of Southeast (Putnam County).

Honorable Marlene H. Dortch
Secretary, FCC
February 17, 2004

The NYDPS supports permitting RCN to discontinue service for all customers on that date. In order to ensure a seamless migration of these customers, RCN filed an exit plan, which is required by the New York Public Service Commission (NYPSC), in order to ensure the orderly migration of customers to the new provider, Carmel Telephone Services, Inc. (CarmelTel). Both RCN and CarmelTel have complied with the NYPSC's migration guidelines. On February 12, 2004, the NYPSC approved the transfer of RCN's telephone assets and customer base in the affected service area to CarmelTel.² Therefore, the NYDPS requests that the Commission automatically grant RCN's application to discontinue services.

Very truly yours,

Dawn Jablonski Ryman
General Counsel
Public Service Commission of
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Albany, New York 12223-1359
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² Cases 03-C-1684 and 03-C-1691 – Joint Petition of RCN Telecom Services, Inc. and Carmel Telephone Services, Inc. for Approval of the Transfer of a Portion of RCN Telecom Services' Local and Long Distance Customer Base and Associated Assets to Carmel Telephone services; and Petition of RCN Telecom Services for Approval of its Mass Migration Exit Plan, filed in 94-C-0028, Approved as Recommended and So Ordered by the Commission (effective February 12, 2004).