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September 10, 2008

(*ALSO ADMITTED IN N.Y.)

HAND DELIVERED

Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street – Drawer 20
Montpelier, VT 05620-2701

Re: Petition of City of Burlington d/b/a Burlington Telecom to amend Condition No. 17 of its Certificate of Public Good, enlarging the date by which it must complete its system build out
Docket No. 7044

Dear Sue:

On behalf of the City of Burlington d/b/a Burlington telecom ("BT"), enclosed herewith please find an original and six (6) copies of a Petition for an amendment of Condition No. 17 of BT's Certificate of Public Good, enlarging the date by which it must complete its system build out. I also enclose an original and one (1) copy of the Statement Regarding Persons Entitled to Notice required by Board Rule 2.205 (A) and this firm's Notice of Appearance on behalf of the City of Burlington.

We further request a prehearing conference and a workshop to allow BT to present its progress to date on building out its network within the City of Burlington, and identify the remaining areas of the City to be built out as described in paragraph 5 of the Petition.

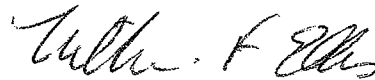
It is Burlington Telecom's hope that, following the workshop, it will be able to reach agreement with the Department of Public Service on an appropriate amendment to Condition No. 17 or, if a settlement cannot be obtained, the Board could then determine how to proceed to investigate the Petition.

I have provided three copies of this filing by first class mail to the Department of Public Service and one copy to each other party of record.

Susan M. Hudson, Clerk
September 10, 2008
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Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "William F. Ellis".

William F. Ellis

WFE/
Enclosures

cc: John Cotter, Special Counsel
Alan D. Mandl, Esq.
Lisa Nolen Birmingham, Esq.
Douglas R. Marden, Esq.
Edward A. Miller, Esq.

231052-67

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7044

Petition of City of Burlington d/b/a Burlington Telecom)
to amend Condition No. 17 of its Certificate of Public)
Good, enlarging the date by which it must complete)
its system build out)

PETITION

By this petition, the City of Burlington d/b/a Burlington Telecom, represents:

1. It holds a Certificate of Public Good ("CPG"), issued in Docket No. 7044, to operate a cable television system in the City of Burlington, Vermont and as such is subject to the Vermont Public Service Board's ("Board") jurisdiction.
2. Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC ("Comcast") also provides cable television service within the City of Burlington.
3. Condition No. 17 of its CPG requires Burlington Telecom to "build its network to serve every residence, building and institution in the City of Burlington within thirty six (36) months of the date of [the] CPG" that was issued on September 13, 2005.
4. As of September 13, 2008, Burlington Telecom will have built its network to serve over ninety (90%) percent of the residences, buildings and institutions in the City of Burlington.
5. The remaining residences, buildings and institutions still to be served consist of public and private property and the downtown commercial core.

6. These remaining residences, buildings and institutions have not been denied cable television services in that they presently have access to service provided by Comcast.

7. In June 2007, the Burlington City Council authorized Burlington Telecom to pursue a strategy of financing approximately ninety-five (95%) percent of the build out, with the remaining 5% to be built out as revenues from Burlington Telecom allow.

8. Burlington Telecom seeks an amendment to Condition No. 17 deleting the first sentence and replacing it with a statement that Burlington Telecom will build out the remaining sections of the City of Burlington as revenues provide.

WHEREFORE, Burlington Telecom respectfully requests that the Board:

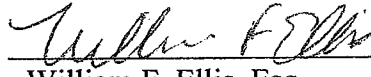
A. Schedule a prehearing conference and workshop to allow Burlington Telecom to present its progress to date in building out the City of Burlington, and its plans for building out the remaining portions of the City of Burlington;

B. Establish a date for a further status conference in this proceeding, at which time either Burlington Telecom and the Department of Public Service will file a stipulation resolving the issues in this matter or, if a settlement cannot be reached, a proposed schedule for investigating the issues raised by this Petition; and

C. Take such other actions as and or may be necessary to amend Condition No. 17 of Burlington Telecom's Certificate of Public Good.

Dated at Burlington, Vermont this 10th day of September 2008.

CITY OF BURLINGTON

BY: 
William F. Ellis, Esq.
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401
Attorneys for Petitioner

cc: John Cotter, Special Counsel
Alan D. Mandl, Esq.
Lisa Nolen Birmingham, Esq.
Douglas R. Marden, Esq.
Edward A. Miller, Esq.

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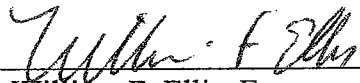
STATEMENT REGARDING PERSONS ENTITLED TO NOTICE

NOW COMES City of Burlington d/b/a Burlington Telecom, by and through its attorneys, McNeil, Leddy & Sheahan, P.C., and pursuant to Board Rule 2.205 (A), hereby states that notice of the above-captioned petition should be given to the Vermont Department of Public Service and such other persons that the Board determines except for the petitioner. A proposed form of notice is attached hereto as Schedule 1.

Additionally, we have provided copies of this filing to each party of record to Docket No. 7044.

Dated at Burlington, Vermont this 10th day of September 2008.

CITY OF BURLINGTON

BY: 
William F. Ellis, Esq.
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401
Attorneys for Petitioner

SCHEDULE 1

Take notice that by petition dated September 10, 2008, the City of Burlington, Vermont d/b/a Burlington Telecom filed with the Vermont Public Service Board a Petition to amend Condition No. 17 of its Certificate of Public Good and that a Hearing Officer of the Board will conduct a prehearing conference and workshop at the Board's hearing room in Montpelier, Vermont on _____, 2008 at _____.

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7044


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to amend Condition No. 17 of its Certificate of Public)
Good, enlarging the date by which it must complete)
its system build out)

NOTICE OF APPEARANCE

The appearance of McNeil, Leddy & Sheahan, P.C., is hereby entered on behalf
of the City of Burlington, Vermont d/b/a Burlington Telecom in the above-captioned
matter.

DATED at Burlington, Vermont this 10th day of September 2008.

MCNEIL, LEDDY & SHEAHAN, P.C.

By: 
William F. Ellis, Esq.
A Member of the Firm
271 South Union Street
Burlington, VT 05401
Counsel to City of Burlington, Vermont

cc: John Cotter, Special Counsel
Alan D. Mandl, Esq.
Lisa Nolen Birmingham, Esq.
Douglas R. Marden, Esq.
Edward A. Miller, Esq.

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