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Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11
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RCN CORPORATION, et al., : Case No. 04-13638 (RDD)
:
Debtors. : (Jointly Administered)
:
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**APPELLEES' DESIGNATION OF ADDITIONAL ISSUES AND
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellees' RCN Corporation ("RCN") and certain of its direct and indirect subsidiaries, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby present their designation of additional issues and items to be included in the record on the appeal filed by Deborah K. Craig from Order Denying Motion to File a Late Proof of Claim (filed in Case No. 04-13638, Docket No. 352).

Counterdesignation of Issues on Appeal:

1. Whether the Bankruptcy Court abused its discretion in determining that Ms. Craig failed to sustain her burden of establishing excusable neglect justifying the late filing of her claim.

2. Whether the Bankruptcy Court abused its discretion in refusing to permit the filing of a late proof of claim when the claim was purported to be a class action claim.

3. Whether the Bankruptcy Court abused its discretion in determining that the Department of Labor's right to file a claim as a governmental agency does not absolve Ms. Craig of her failure to file a claim on a timely basis.

Additional Items for Record

1. Affidavit of Tirzah Gordon of Mailing of Order Under 11 U.S.C. § 105 and Fed. R. Bankr. P. 2002(a)(7) and 3003(c)(3) (I) Setting Bar Dates for Filing Certain Proofs of Claim, (II) Approving Procedures for Filing Such Proofs of Claim, and (III) Approving Form, Manner, and Sufficiency of Notice Thereof, including exhibits, dated June 25, 2004. (Docket No. 77)

2. Affidavit of Publication of Terri Knabenshue of Notice of August 11, 2004 Deadline for Filing Proofs of Claim in The Wall Street Journal (National Edition), dated June 30, 2004. (Docket No. 414)

3. Proof of Claim filed by Debra Craig on June 8, 2004 against RCN, docketed as claim No. 9.

4. Motion for Relief from Stay filed by David L. Deratzian on behalf of Craig K. Debra on September 27, 2004. (Docket No. 276).

5. Withdrawal of Motion to Lift Stay, dated November 3, 2004, filed by David L. Deratzian on behalf of Debra K. Craig. (Docket No. 392).

Dated: New York, New York
November 29, 2004

SKADDEN, ARPS, SLATE, MEAGHER
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