## REQUEST FOR CHANGE TO AGENDA CONFERENCE

(Please Print Legibly)

## HAND DELIVER

Date of	Rec	quesi	5/40	Date of Agenc	a Conference: 🛬	5/15/01	Item NoQF
Docket			010328 -71	Brief Title:		PETION O	
Reques	ted	by:	[ ] Staff	[ <b>y</b> ] Other:	party's atta	• •	Nicole Oden
	Pl	ease	attach a copy o	f the written docum	entation if the c	Name) hange is not	requested by staff.
ACTIO	)N I	REQ	UESTED [see A	APM 2.11 and SOP	1607]		
	[*]		Defer Item to Agenda Scheduled: June 26, 2001 (Date)				
	[	]	Change Order o	f Item or Take Up at	Time Certain	•	
	[	]	Withdraw Item				
	[	]	Late Filed Reco	mmendation (no late	r than 3:00 p.m.)		
	[	]		Item to Upcoming A		•	. A 1
Concise	e rec	omr	nendation/explar	nation and justification	on for the action	requested:	We recommend
cette	ארא	11 -	<b>\</b> \	June 26, 20	o) Hopena	10 10	allow the
<u></u>	P	an	y time?	to resolve	uto ech	nical	problemo.
	•	$ \bigcirc $	<i></i>				
C	-						(Continue on back)
STAFF							
	Red	comr	mendation to Exe	ecutive Suite:	☑ Approve	Request $\square$	Deny Request
	Co	mme	ents:			<del></del>	
2 11 0 0							
	Sig	natu		Laviel	Initials:	Amy	
			(OF	PR Staff)		(Div	vision Director or Designee)
DEPUTY EXECUTIVE DIRECTOR/TECHNICAL <u>OR</u> EXECUTIVE DIRECTOR:							
	Red	omr		Chairman's Office:			Deny Request
	Init	ials:	MI	wi	_ Date:	5/14/0	/
	Cor	mme	nts:				
CHAIF			S OFFICE:	a			Deny Request
	Init	ials:	714	<b>-</b>	Date:	1ay 14	1001
						7	

Note: After the Chairman's Office takes action on this request, the Executive Suite will send the original to the Division of Records & Reporting and distribute copies to the following:

OPR and OCR Division Directors, OPR Staff Requesting Action, Attorney Assigned to Docket and Commissioners

DOCUMENT NUMBER-DATE

05957 MAY 145

FPSC-RECORDS/REPORTING

PSC/EXD-1 (03/01)

KELLEY DRYE & WARREN LLP

1200 19TH STREET, N.W.

WASHINGTON, D.C. 20036 (202) 955-9600

FAX (202) 955-9792

SUITE 500

# KELLEY

## **FACSIMILE TRANSMISSION**

TO

Jessica Elliot

FIRM

Florida Public Service Commission

CITY

Tallahassee

FAX

850-413-6180

PHONE

850-413-6770

NO. OF PAGES

3 (including this page)

DATE

May 11, 2001

MESSAGE

FROM

M. Nicole Oden

PHONE

(202) 955-9785

E-MAIL

moden@kelleydrye.com

TIMEKEEPER ID

04005

CLIENT NO.

012640.0001

NEW YORK, NY WASHINGTON, DC TYSONS CORNER, VA

LOS ANGELES, CA CHICAGO, IL STAMFORD, CT

STAMFORD, CT FARSIPPANY, NJ

> BRUSSELS HONG KONG

AFFILIATE OFFICES
BANGKOK
JAKARTA
MANILA
MUMBAI
TOKYO

#### IF PROBLEMS OCCUR DURING TRANSMISSION PLEASE CALL (202) 955-9600.

The information contained in this facsimile message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any use, copying, disclosure or dissemination of this communication may be subject to legal restriction or sanction.

#### KELLEY DRYE & WARREN LLP

A LIMITES LIABILITY PARTHERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

\_\_

FACSIMILE (202) 955-9792 www.kelleydrye.com

(208) 955-9600

DIRECT LINE (202) 955-9785
E-MAIL; meden@keileydrye.com

PARSIPPANT, NJ

BRUSSELS, SELGIUM

NEW YORK, NY

LOE ANGELES, CA

CHICAGO, IL

STAMFORD, CT

HONG KONG

AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MANILA, THE PHILIPPINES
MUMBAI, INDIA
TOKYO, JAPAN

May 11, 2001

#### VIA FACSIMILE

Ms. Jessica Elliot Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: KMC Application and Notice of Intra-Company Reorganization -

Request for Deferral

Dear Ms. Elliot:

In accordance with our earlier telephone conversation, KMC Telecom Holdings, Inc. ("KMC Holdings"), on behalf of its wholly owned subsidiaries, KMC Telecom, Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc. (collectively, the "Affiliates"), respectfully submits this Request for Deferral of the Florida Public Service Commission's review of its Notice of Intra-Company Reorganization.

Currently, the Notice is scheduled for review during the Commission's May 15, 2001, Agenda Meeting. However, due to unforeseen internal complications arising from the consolidation of the Affiliates in Florida, KMC Holdings wishes to delay the Commission's review until it has had the opportunity to fully evaluate, and effectively resolve, these issues.

Ms. Jessica Elliot May 11, 2001 Page Two

Therefore, KMC Holdings respectfully requests an indefinite deferral of the Commission's review of the intra-company reorganization and consolidation. If you have any questions regarding this matter, please do not hesitate to contact me at (202) 955-9785. Thank you for your kind assistance in this matter.

M. Nicole Oden

DC01/ODENM/148737.1