

Ruth Nettles

090327-TP

From: nicki.garcia@akerman.com
Sent: Tuesday, August 25, 2009 4:35 PM
To: Filings@psc.state.fl.us
Cc: tony.mastando@deltacom.com; Fself@lawfla.com; Charles Murphy; matthew.feil@akerman.com; james.mertz@hypercube-llc.com; jean.houck@deltacom.com; Timisha Brooks
Subject: Electronic Filing - Docket No. 090327-TP
Attachments: 20090825162546532.pdf

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact either Matt Feil or Nicki Garcia at the numbers below. Thank you.

Person Responsible for Filing:

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Docket No. and Name: Docket No. 090327-TP - Petition of DeltaCom, Inc. for Order Determining DeltaCom, Inc. not Liable for Access Charges of KMC Data LLC, Hypercube, LLC and Hypercube Telecom, LLC.

Filed on behalf of: DeltaCom, Inc.

Total Number of Pages: 4

Description of Documents: Joint Report and Motion to Dissolve Limited Stay of Proceedings and Schedule a Responsive Pleading Date.

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August 25, 2009

VIA ELECTRONIC FILING

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090327-TP – Petition of DeltaCom, Inc. for Order Determining DeltaCom, Inc. not Liable for Access Charges of KMC Data LLC, Hypercube, LLC and Hypercube Telecom, LLC

Dear Ms. Cole:

Enclosed for filing is a Joint Report and Motion to Dissolve Limited Stay of Proceedings and Schedule a Responsive Pleading Date.

Your assistance in this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Matthew Feil

DOCUMENT NUMBER-DATE

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**STATE OF FLORIDA
PUBLIC SERVICE COMMISSION**

In Re: Petition of DeltaCom, Inc.)
for Order Determining DeltaCom, Inc.)
not Liable for Access Charges of KMC)
Data LLC, Hypercube, LLC)
and Hypercube Telecom, LLC.)
_____)

Docket No. 090327-TP

**JOINT REPORT AND MOTION TO DISSOLVE LIMITED STAY OF
PROCEEDINGS
AND SCHEDULE A RESPONSIVE PLEADING DATE**

DeltaCom, Inc. ("DeltaCom") and Hypercube, LLC, Hypercube Telecom, LLC (f/k/a KMC Data, LLC) (collectively "Hypercube") (DeltaCom and Hypercube are hereinafter collectively, the "Parties") hereby report status of negotiations to and move the Florida Public Service Commission ("Commission") to lift the limited stay of the proceedings in this case. As grounds for this motion, the Parties state the following:

1. On June 5, 2009 DeltaCom filed a Petition with the Commission, naming Hypercube, LLC; Hypercube Telecom, LLC and KMC Data, LLC (collectively "Hypercube") as Defendants in an intrastate access charge dispute and seeking an order from the Commission. Thereafter, the Parties entered into discussions to resolve the dispute.

2. On June 26, 2009, DeltaCom, with support from Hypercube, filed a Motion for Limited Stay of this proceeding so that DeltaCom and Hypercube could undertake additional good faith negotiations in an effort to resolve the issues presented in DeltaCom's Petition without the need for litigation.

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3. DeltaCom and Hypercube conducted additional negotiations, but such negotiations did not result in a resolution of the dispute between the Parties.

4. The Parties have conferred and agree that Hypercube should file a response to DeltaCom's Petition in this proceeding on or before August 31, 2009.

WHEREFORE, DeltaCom and Hypercube respectfully request that this Motion be granted.

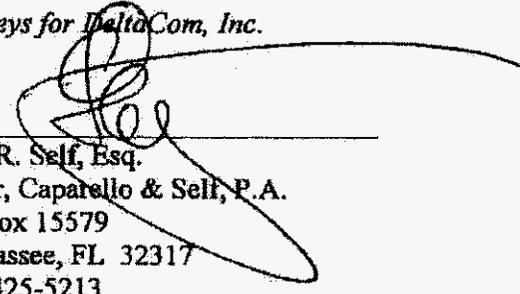
Respectfully submitted this 25th day of August 2009.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 25th day of August, 2009.

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