

Diamond Williams

090327-TP

From: nicki.garcia@akerman.com
Sent: Tuesday, June 29, 2010 4:08 PM
To: Filings@psc.state.fl.us
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Subject: Electronic Filing - Docket No. 090327-TP
Attachments: 20100629155951853.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: 5

Description of Documents: DeltaCom's Joint Motion to Extend Due Date for Parties' Rebuttal Testimony and Exhibits

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DOCUMENT NUMBER - DATE
 05362 JUN 29 0
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June 29, 2010

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 and Hypercube Telecom, LLC

Dear Ms. Cole:

Please find attached for filing in the above-referenced docket DeltaCom, Inc.'s Joint Motion to Extend Due Date for Parties' Rebuttal Testimony and Exhibits.

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

Sincerely,


Matthew Feil

{TL241246;1}
Attachment

DOCUMENT NUMBER-DATE
05362 JUN 29 09
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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 and Hypercube Telecom, LLC.)
_____)

Docket No. 090327-TP

JOINT MOTION TO EXTEND DUE DATE FOR PARTIES' REBUTTAL
TESTIMONY AND EXHIBITS UNTIL JULY 28, 2010

Pursuant to Rule 28-106.204, Florida Administrative Code, DeltaCom, Inc. ("DeltaCom") and Hypercube Telecom, LLC and KMC Data, LLC ("Hypercube") hereby move the Florida Public Service Commission ("Commission") to permit the parties to file their prefiled rebuttal testimony and exhibits on July 28, 2010, rather than on July 9, 2010, as required by the Order Establishing Procedure.¹ This is an extension of nineteen days. In support of this motion, the Joint Movants state as follows:

1. The Order Establishing Procedure established July 9, 2010, as the due date for the parties' rebuttal testimony and exhibits. DeltaCom represents that a scheduling conflict on the part of DeltaCom's key witness, Mr. Don Wood, makes it extremely difficult, if not impossible, for DeltaCom to meet the July 9 rebuttal due date. Mr. Wood will be preparing for and traveling to a hearing in Puerto Rico during the week of July 9 and will be attending that hearing the entire week of July 12.

2. Joint Movants recognize that the direct cases of the parties will require extra time and attention for rebuttal testimony. The requested extension should not

¹ Order No. PSC-10-0245-PCO-TP, issued April 20, 2010, as modified.

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interfere with other dates on the case schedule. Prehearing statements are not due until August 10, the discovery deadline is August 25, the Prehearing is scheduled for August 30, and the hearing is scheduled for September 8 -9.

3. Joint Movants note that they have been cooperatively working together to coordinate scheduling and activities in this matter before the Florida Commission and a parallel case before the Alabama PSC, Docket No. 31176. Approving the requested extension of prefiled rebuttal to July 28 will assist and encourage the parties in their coordination effort and positively impact the ability to efficiently administer the two cases, as rebuttal in Florida and Alabama would both be due on July 28.

WHEREFORE, Joint Movants respectfully request that this Motion be granted.

Respectfully submitted this 29th day of June, 2010.

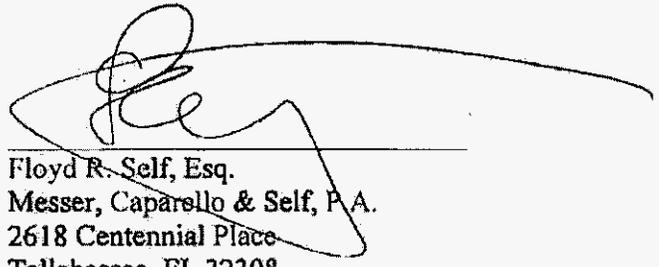


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Joint Motion to Extend Due Date
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served upon the following by Electronic Mail and U.S. Mail this 29th day of June, 2010.

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By: 
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