

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In re:

DeltaCom, Inc.

Complainant,

-v.-

KMC Data, LLC, Hypercube, LLC and
Hypercube Telecom, LLC,

Respondent.

Docket No.: 09-00077

MOTION FOR LIMITED STAY OF PROCEEDINGS

DeltaCom, Inc. ("DeltaCom") hereby moves the Authority for a limited stay of the proceedings in this case. As explained below and in the attached Declaration, the Respondent supports this request. As grounds for its motion, DeltaCom states the following:

1. On June 5, 2009 DeltaCom filed the above-referenced Petition with the Authority by naming Hypercube, LLC; Hypercube Telecom, LLC and KMC Data, LLC (collectively "Hypercube") as Respondents (DeltaCom and Hypercube are hereinafter collectively, the "Parties") in an intrastate access charge dispute and seeking an expedited declaratory ruling from the Authority. Thereafter, the Parties entered into discussions to resolve the dispute.

2. DeltaCom files this Motion in the proceeding so that DeltaCom and Hypercube can undertake additional good faith negotiations in an effort to resolve the issues presented in DeltaCom's Petition without the need for litigation.

3. Hypercube supports and stipulates to the filing of this motion and stay of this proceeding. See attached Declaration of James Mertz.

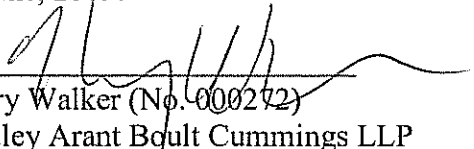
4. Should the negotiations reach an impasse, then either DeltaCom or Hypercube may move the Authority to dissolve the stay and resume the litigation.

5. The parties commit to report to the Authority in writing no later than sixty (60) days from the date of this Motion the status of the negotiations and the need, if any, to continue or to cease the stay.

6. Because there is a possibility that this dispute will be resolved without the need for further involvement by the Authority, proceeding further at this stage in all likelihood would waste the resources of the Authority and the Parties.

WHEREFORE, DeltaCom respectfully requests that its Motion be granted.

Respectfully submitted this 25 day of June, 2009.


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Attorneys for DeltaCom, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and exact copy of the within and foregoing **MOTION FOR LIMITED STAY OF PROCEEDINGS** on June 25th, 2009, via United States First Class Mail, postage paid and properly addressed to the following:

James Mertz
Hypercube Telecom LLC
5300 Oakbrook Parkway
Building 300, Suite 330
Norcross, Georgia 30093

Michael B. Hazzard, Esq.
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, D.C. 20036

By: _____

Henry Walker

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**DECLARATION OF JAMES
MERTZ IN SUPPORT OF MOTION
TO STAY**

1. My name is James Mertz, and I am over 18 years of age.
2. I am employed by Hypercube, LLC as Vice President of Government Affairs. I am authorized to File this declaration in the above-referenced proceeding on behalf of Hypercube, LLC and Hypercube Telecom, LLC (f/k/a KMC Data LLC) (collectively, "Hypercube").
3. Hypercube supports the DeltaCom, Inc. motion to stay the above-referenced proceeding, to which this declaration is appended.
4. I declare under penalty of perjury that the foregoing is true and correct.

Date: 6/25/2009


James Mertz