

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 12, 2009

IN RE:

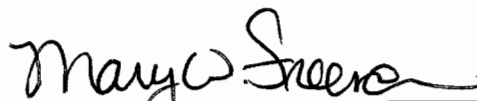
COMPLAINT OF DELTACOM, INC. FOR ORDER
DETERMINING DELTACOM, INC. NOT LIABLE FOR
ACCESS CHARGES OF KMC DATA, LLC, HYPERCUBE,
LLC, AND HYPERCUBE TELECOM, LLC

DOCKET NO.
09-00077

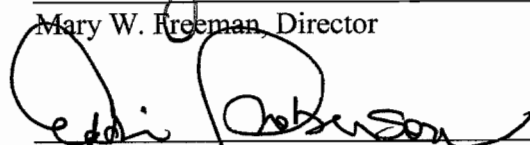
ORDER CONVENING A CONTESTED CASE
AND APPOINTING A HEARING OFFICER

This matter came before Director Mary W. Freeman, Director Eddie Roberson and Director Kenneth C. Hill of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 26, 2009 for consideration of the *Complaint of DeltaCom, Inc. for Order Determining DeltaCom, Inc. Not Liable for Access Charges of KMC Data, LLC, Hybercube, LLC, and Hypercube Telecom, LLC* filed on June 5, 2009. Hypercube, LLC and Hypercube Telecom, LLC (f/k/a KMC Data, LLC) filed an *Answer to Complaint of DeltaCom, Inc. and Counterclaim of Hypercube Telecom, LLC f/k/a KMC Data, LLC* on August 19, 2009. DeltaCom, Inc. (d/b/a DeltaCom Business Solutions) filed an *Answer of DeltaCom to Counterclaim of Hypercube* on September 30, 2009 and an *Amended Complaint of DeltaCom, Inc. for Order Determining DeltaCom, Inc. Not Liable for Access Charges of KMC Data, LLC, Hybercube, LLC, and Hypercube Telecom, LLC* on October 20, 2009. During the Authority Conference, the panel voted unanimously to convene a contested case proceeding and to appoint the Authority's General Counsel or his designee to serve as Hearing Officer for the purpose of handling any preliminary matters and preparing the matter for a hearing before the panel.

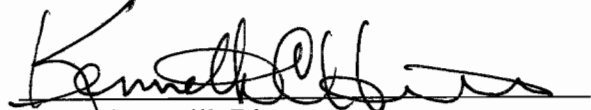
IT IS SO ORDERED.



Mary W. Freeman, Director



Eddie Roberson, Director



Kenneth C. Hill, Director