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August 9, 2010

Filed electronically in the Docket Office 8/9/10

Ms. Sharla Dillon, Docket Manager
Tennessee Regulatory Authority
460 James Robertson Pkwy.
Nashville, TN 37243

Re: 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. 09-00077

Dear Ms. Dillon:

Please file the attached "Joint Stipulation of Dismissal" in the above-captioned docket.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By:

A handwritten signature in black ink, appearing to be 'H Walker', written over the printed name 'Henry Walker'.

Henry Walker

HW/dnr

Enclosure

cc: Don Baltimore
Kelly Cashman-Grams, Hearing Officer

7/2414241.1
111484-000001

BEFORE THE TENNESSEE REGULATORY AUTHORITY

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. 09-00077

JOINT STIPULATION OF DISMISSAL

The parties to this cause, Complainant DeltaCom, Inc. and Defendants/Counter-Complainants KMC Data, LLC, Hypercube, LLC, and Hypercube Telecom, LLC, having resolved their differences, stipulate to the dismissal of this proceeding, with each party to bear its own fees and costs. In support thereof the parties assert as follows.

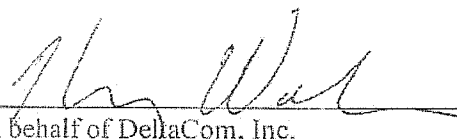
1. The parties' settlement agreement¹ provides in pertinent part:

The Parties will enter into appropriate joint stipulations of dismissal of their claims against each other in each action involved in the DeltaCom/Hypercube Litigation no later than seven (7) business days after the Effective Date [July 28, 2010] of this Agreement. The Parties then shall, commencing immediately upon the Effective Date, use best efforts to cooperate to halt the DeltaCom/Hypercube Litigation. (Emphasis added.)

Wherefore, the parties respectfully request that the proceeding be dismissed as set forth above.

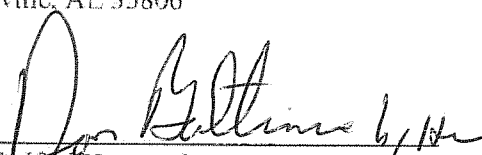
Respectfully submitted on this 6th day of August, 2010.

¹ The parties' settlement agreement is confidential and is not being filed, since approval of the settlement agreement is not required by the Commission.


On behalf of DeltaCom, Inc.

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On behalf of Hypercube
Telecom, LLC and KMC Data, LLC

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