

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 19, 2010

IN RE:)	
)	
COMPLAINT OF DELTACOM, INC. FOR)	
ORDER DETERMINING DELTACOM, INC.)	DOCKET NO.
NOT LIABLE FOR ACCESS CHARGES OF)	09-00077
KMC DATA, LLC, HYPERCUBE, LLC,)	
AND HYPERCUBE TELECOM, LLC)	

ORDER DISMISSING COMPLAINT

This matter came before Chairman Mary W. Freeman, Director Eddie Roberson and Director Kenneth C. Hill, the voting panel assigned to this docket, at the October 25, 2010 Authority Conference to consider the *Joint Stipulation of Dismissal* (“*Joint Stipulation*”) filed on August 9, 2010.

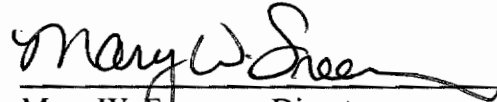
On June 5, 2009, DeltaCom, Inc. (“DeltaCom”) filed its *Complaint of DeltaCom, Inc. for Order Determining DeltaCom, Inc. Not Liable for Access Charges of KMC Data, LLC, Hypercube, LLC, and Hypercube Telecom, LLC* (“*Complaint*”) and requested that the Authority resolve an issue involving intrastate access charges with KMC Data, LLC (“KMC”),¹ Hypercube, LLC and Hypercube Telecom, LLC (collectively, “Hypercube”).

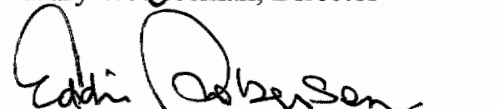
On August 9, 2010, the parties filed a *Joint Stipulation of Dismissal* in this matter. The parties stated that DeltaCom, KMC and Hypercube have resolved their differences and stipulate to the dismissal of this proceeding, with each party bearing its own fees and costs. After reviewing the *Joint Stipulation*, the panel voted unanimously to dismiss the *Complaint*.

¹ In 2008, KMC Data, LLC changed its name to Hypercube Telecom, LLC.

IT IS THEREFORE ORDERED THAT:

The Complaint of DeltaCom, Inc. for Order Determining DeltaCom, Inc. Not Liable for Access Charges of KMC Data, LLC, Hypercube, LLC, and Hypercube Telecom, LLC is dismissed.


Mary W. Freeman, Director


Eddie Roberson, Director


Kenneth C. Hill, Director