

BEFORE THE 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
ORDER NO. PSC-10-0355-PCO-TP
ISSUED: June 4, 2010

ORDER GRANTING JOINT MOTION AND
SECOND ORDER MODIFYING PROCEDURE

On June 1, 2010, DeltaCom, Inc. ("DeltaCom") and Hypercube Telecom, LLC/KMC Data, LLC ("Hypercube") filed a Joint Motion to Extend Due Date for Parties' Direct Testimony and Exhibits until June 15, 2010 ("Joint Motion"). In support of the Joint Motion, the parties assert that

- a) scheduling conflicts on the part of witnesses may make it difficult to meet the June 4, 2010, filing date for direct testimony and exhibits that is set forth in the Order Establishing Procedure,
- b) a June 15, 2010, filing date for direct testimony and exhibits, can be met, and
- c) there will still be adequate time for the parties to file rebuttal testimony and exhibits pursuant to the remaining filing dates that are set forth in the Order Establishing Procedure.

Having considered the Joint Motion, I hereby grant the same. The procedural schedule set forth in Order No. PSC-10-0245-PCO-TP, as modified by Order No. PSC-10-0291-PCO-TP, is further modified to reflect that direct testimony and exhibits of the parties will be due on June 15, 2010.

It is therefore,

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the procedural schedule set forth in Order No. PSC-10-0245-PCO-TP as modified by Order No. PSC-10-0291-PCO-TP, is further modified as set forth herein. It is further

ORDERED that Order No. PSC-10-0245-PCO-TP and Order No. PSC-10-0291-PCO-TP, are reaffirmed in all other respects.

DOCUMENT NUMBER-DATE

04653 JUN-4 2010

FPSC-COMMISSION CLERK

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 4th day of
June, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.