



August 5, 2008

RECEIVED

AUG 06 2008

PUBLIC SERVICE  
COMMISSION

Stephanie Stumbo  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

Re: Name Change of KMC Data LLC to Hypercube Telecom, LLC

Dear Ms. Stumbo:

KMC Data, LLC (“Company”), a certified competitive telecommunications provider in Kentucky<sup>1</sup>, hereby notifies the Kentucky Public Service Commission (“Commission”) that its name has changed from “KMC Data, LLC” to “Hypercube Telecom, LLC”. It is the Company’s understanding that no Commission approval is required to effectuate this name change. Company is submitting this letter for the Commission’s information only and requests that it be retained in the appropriate file so that the Commission’s records remain up to date and accurate. To the extent, however, that Commission approval is required from the name change, Company hereby requests that such approval be granted.

A copy of the Company’s Amended Certificate of Formation is attached as *Exhibit A*, and a copy of the Company’s Amended Qualification to Do Business in Kentucky is attached as *Exhibit B*.

The Company has notified its customers within Kentucky of this change.

The changes described in this notice will have no impact on public interest considerations. The entity offering services to customers will not change, and there will be no change to the rates, terms and conditions of service it provides. Management and operating personnel will not change and the contact person for both customers and the Commission remain the same.

New tariffs reflecting this name change are included with this filing, effective on thirty (30) days’ notice, pursuant to Commission practice.<sup>2</sup> These tariffs contain the same rates, terms

<sup>1</sup> Company was registered as a local exchange and interexchange carrier on November 26, 2001.

<sup>2</sup> Company is submitting new versions of Tariff No. 1, its Interexchange services tariff; Tariff No. 2, its Local Exchange services tariff; and Tariff No. 3, its Switched Access services tariff.

and conditions of service currently on file with the Commission. No other changes have been made. Tariff Adoptions for each of the tariffs are also included.

Enclosed please find one original and four (4) copies of this filing. In addition, please date stamp the duplicate of this filing included and return it the self-addressed, postage prepaid envelope enclosed. Thank you for your attention in this matter and please do not hesitate to contact Katherine Barker Marshall at (202) 857-4493 if you have any questions or concerns.

Respectfully submitted,

**WOMBLE CARLYLE SANDRIDGE & RICE**  
*A Professional Limited Liability Company*



Katherine B. Marshall

cc: James Mertz, Hypercube Telecom, LLC

# Exhibit A

# Delaware

PAGE 1

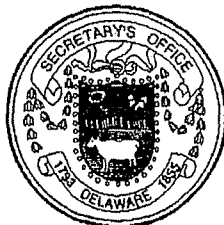
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "KMC DATA LLC", CHANGING ITS NAME FROM "KMC DATA LLC" TO "HYPERCUBE TELECOM, LLC", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF JUNE, A.D. 2008, AT 11:12 O'CLOCK A.M.

3344825 8100

080742061

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6698456

DATE: 06-30-08

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 11:12 AM 06/30/2008  
FILED 11:12 AM 06/30/2008  
SRV 080742061 - 3344825 FILE


**CERTIFICATE OF AMENDMENT**  
**OF**  
**CERTIFICATE OF FORMATION**  
**OF**  
**KMC DATA LLC**

1. The name of the limited liability company is KMC Data LLC (the "Company").
2. Paragraph FIRST of the Certificate of Formation of the Company is hereby deleted in its entirety and the following is hereby substituted in lieu thereof:

FIRST: The name of the limited liability company is Hypercube Telecom, LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment on the 26<sup>th</sup> day of June, 2008.

HYPERCUBE, LLC,  
in its capacity as the sole member of the Company

By:   
 Name: Clay Myers  
 Title: CEO

# Exhibit B

0510484.06

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L903

Kentucky Secretary of State  
TREY GRAYSON

Trey Grayson  
Secretary of State  
Received and Filed  
07/23/2008 2:32:23 PM  
Fee Receipt: \$40.00

Division of Corporations  
BUSINESS FILINGS  
P.O. Box 718  
Frankfort, KY 40602  
(502) 564-2848  
<http://www.sos.ky.gov/>

Application for Amended  
Certificate of Authority

FCA

Pursuant to the provisions of KRS Chapter 271B, 273 or 274, the undersigned hereby applies for an amended certificate of authority on behalf of the corporation named below and for that purpose submits the following statements:

- The corporation is  a business corporation (KRS 271B).  
 a nonprofit corporation (KRS 273).  
 a professional service corporation (KRS 274).
- KMC Data LLC  
(Name of corporation or fictitious name adopted for use in Kentucky)  
is a corporation organized and existing under the laws of the state or country of Delaware  
and received authority to transact business in Kentucky on 2-12-2001
- The corporation's name in the state or country of incorporation has been changed to  
Hypercube Telecom, LLC  
The name of the corporation to be used in Kentucky is  
Hypercube Telecom, LLC  
(If "real name" is unavailable for use)
- The corporation's period of duration has been changed to \_\_\_\_\_
- The corporation's state or country of incorporation has been changed to \_\_\_\_\_
- A certificate of existence duly authenticated by the Secretary of State accompanies this application.
- This application will be effective upon filing, unless a delayed effective date and/or time is specified:

(Delayed effective date and/or time)

  
Signature

Clay Myers CFO/Authorized Person  
Type or Print Name & Title

Date: July 14, 20 08

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "HYPERCUBE TELECOM, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRD DAY OF JULY, A.D. 2008.



3344825 8300

080754675

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6705619

DATE: 07-03-08



# Delaware

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*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

**AUTHENTICATION: 6698456**

**DATE: 06-30-08**