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**RECEIVED**  
2008 August 22 PM 2:29  
**IDAHO PUBLIC**  
**UTILITIES COMMISSION**

Katherine B. Marshall  
Attorney  
Direct Dial: (202) 857-4493  
Direct Fax: (202) 261-0093  
E-mail: KaMarshall@wcsr.com

August 22, 2008

**Via Electronic Filing**

Jean Jewell, Secretary  
Idaho Public Utilities Commission  
Statehouse Mall  
472 West Washington Street  
P.O. Box 83720  
Boise, ID 83720-0074

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

Dear Ms. Jewell:

KMC Data, LLC (“Company”), a certified competitive telecommunications provider in Idaho<sup>1</sup>, hereby notifies the Idaho Public Utilities 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 for 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 Idaho is attached as *Exhibit B*.

The Company will notify its customers within Idaho 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.

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<sup>1</sup> Company was certified as a local exchange and interexchange carrier in Docket No. GNR-T -01-11; Order No. 29159 on November 26, 2002.

A new tariff reflecting this name change is included with this filing, effective on ten (10) days' notice, pursuant to Commission practice. This tariff contains the same rates, terms and conditions of service currently on file with the Commission. No other changes have been made.

Please acknowledge this filing included via return e-mail. 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

06/30/2008 12:17 7032888522  
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

WOMBLE GARLYLE

PAGE 02/02

**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

FILED EFFECTIVE



# AMENDMENT OF REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

08 AUG -4 PM 12:42  
SECRETARY OF STATE  
STATE OF IDAHO

1. The name of the foreign limited liability company prior to this amendment is:

KMC Data LLC

2. If the foreign limited liability company was required to adopt an assumed name in order to register in Idaho, the name the foreign limited liability company used in Idaho is:

3. The application for registration in Idaho was filed on: 2-2-2001

4. The foreign limited liability company's registration is amended as follows:  
(check one or more)

a. The name of the limited liability company has been changed to:

Hypercube Telecom, LLC

If the new name is not available or permissible in Idaho, the name to be used in Idaho is: \_\_\_\_\_

b. The LLC has changed its jurisdiction of registration, without a change of formation to:

c. Other amendment: \_\_\_\_\_

5. Signature of authorized person:

Signature

Typed Name Clay Myers

Capacity CFO / Authorized Person

Secretary of State use only

cc:\forms\amend\_reg\_foreign\_llc.pdf  
Revised 08/2002

IDAHO SECRETARY OF STATE  
08/04/2008 05:00  
CK: 12360 CT: 228522 BH: 1130162  
1 @ 38.00 = 38.00 FOR LLC AM # 2  
1 @ 20.00 = 20.00 EXPEDITE C # 3

u04326

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT "HYPERCUBE TELECOM, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE NOT HAVING BEEN CANCELLED OR REVOKED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.

THE FOLLOWING DOCUMENTS HAVE BEEN FILED:

CERTIFICATE OF FORMATION, FILED THE TWELFTH DAY OF JANUARY, A.D. 2001, AT 4:30 O'CLOCK P.M.

CERTIFICATE OF AMENDMENT, FILED THE TWENTY-FIFTH DAY OF MAY, A.D. 2006, AT 9:40 O'CLOCK A.M.

CERTIFICATE OF AMENDMENT, CHANGING ITS NAME FROM "KMC DATA LLC" TO "HYPERCUBE TELECOM, LLC", FILED THE THIRTIETH DAY OF JUNE, A.D. 2008, AT 11:12 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY, "HYPERCUBE TELECOM, LLC".

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "HYPERCUBE TELECOM, LLC" WAS FORMED ON THE TWELFTH DAY OF JANUARY, A.D. 2001.



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080830655

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

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6762822

DATE: 07-30-08

# Delaware

PAGE 2

*The First State*

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE  
BEEN PAID TO DATE.



3344825 8310

080830655

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: 6762822

DATE: 07-30-08