



1401 Eye Street, NW  
Seventh Floor  
Washington, DC 20005

Telephone: (202) 467-6900  
Fax: (202) 467-6910  
www.wcsr.com

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

August 5, 2008

Patricia Van Gerpen  
Executive Director  
South Dakota Public Utility Commission  
State Capitol Building  
500 East Capitol Avenue, 1st Floor  
Pierre, SD 47501-5070

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

Dear Ms. Van Gerpen:

KMC Data, LLC ("Company"), a certified competitive telecommunications provider in South Dakota<sup>1</sup>, hereby notifies the South Dakota Public Utility 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 South Dakota is attached as *Exhibit B*.

The Company has notified its customers within South Dakota 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.

A new tariff reflecting this name change is included with this filing, effective on one day's 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.

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<sup>1</sup> Company was certified as a local exchange and interexchange carrier in Docket No. TC 01-055 on July 12, 2001.

Please e-mail 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*

A handwritten signature in black ink that reads "Katherine Barker Marshall". The signature is written in a cursive style.

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**

# State of South Dakota

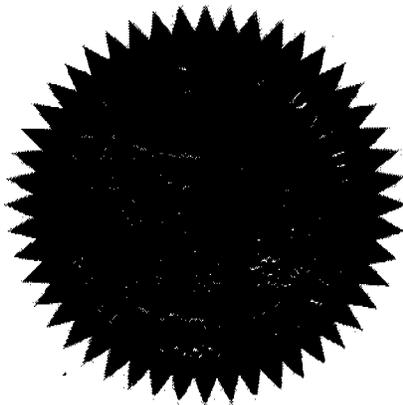


## OFFICE OF THE SECRETARY OF STATE

### Amended Certificate of Authority Limited Liability Company

I, **Chris Nelson**, Secretary of State of the State of South Dakota, hereby certify that duplicate of the Application for an Amended Certificate of Authority of **KMC DATA LLC changing its name to: HYPERCUBE TELECOM, LLC (DE)** to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Limited Liability Company Act, have been received in this office and are found to conform to law.

**ACCORDINGLY** and by virtue of the authority vested in me by law, I hereby issue this Amended Certificate of Authority and attach hereto a duplicate of the application to transact business in this state.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this 07/21/2008.

*Chris Nelson*

**Chris Nelson**  
Secretary of State



7. Please check one:

- The company is member managed.
- The company is manager managed.

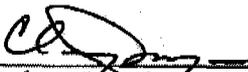
If this company is manager managed, please state the name and address of each manager.

Ronald Beaumont	3200 W. Pleasant Run Rd. Ste.260	Lancaster	TX	75146
Manager	Street Address	City	State	ZIP+4
George C. Myers	3200 W. Pleasant Run Rd. Ste.260	Lancaster	TX	75146
Manager	Street Address	City	State	ZIP+4
Douglas Davis	3200 W. Pleasant Run Rd. Ste.260	Lancaster	TX	75146
Manager	Street Address	City	State	ZIP+4
Chris Malinowski	3200 W. Pleasant Run Rd. Ste.260	Lancaster	TX	75146

8. Whether one or more of the members of the company are to be liable for its debts and obligations under a provision similar to SDCL 47-34A-303 (c)

The application must be signed by a Manager so stated in question number 7 or a Member if the company is member managed.

Dated 7-18-08

  
 (Signature of an authorized member or manager)

Clay Myers  
 (Printed Name)

CFO/Authorized Person  
 (Title)

# Delaware

PAGE 1

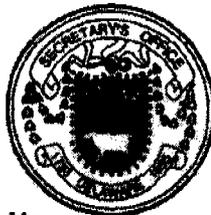
*The First State*

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*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6698456

DATE: 06-30-08

SOUTH DAKOTA SECRETARY OF STATE

OFFICIAL RECEIPT

NUMBER 1815947

FORM OF PAYMENT CHECK  
CHECK NBR 2767

DATE 07/24/2008  
AMOUNT \$ 550.00  
BY STJEWEL

HYPERCUBE, LLC.  
3200 W PLEASANT RUN RD, STE 26  
LANCASTER TX 75146-1073

THIS RECEIPT IS IN REFERENCE TO:  
HYPERCUBE TELECOM, LLC

TRANSACTION DESCRIPTION	AMOUNT
CERTIFICATE OF AUTHORITY.....\$	550.00

# SECRETARY OF STATE

State Capitol, Suite 204  
500 East Capitol Avenue  
Pierre, South Dakota  
57501-5070  
sdsos@state.sd.us  
www.sdsos.gov



**Chris Nelson**  
Secretary of State

Chad Heinrich  
Deputy

**To: HYPERCUBE, LLC  
3200 W PLEASANT RUN RD, STE 260  
LANCASTER, TX 75146**

**From: Secretary of State Chris Nelson  
Corporations Division**

**Date: July 23, 2008**

**Re: KMC DATA LLC changing its name to: HYPERCUBE TELECOM, LLC (DE)  
Document Filings**

The documents submitted on behalf of **KMC DATA LLC changing its name to: HYPERCUBE TELECOM, LLC (DE)** have been received and filed.

Enclosed is the acknowledgement with a receipt for the fee of \$ 550.

Thank you.

Memo3.doc

Administration  
(605) 773-3537  
Fax (605) 773-6580

Corporations  
(605) 773-4845  
Fax (605) 773-4550

Uniform Commercial Code  
(605) 773-4422  
Fax (605) 773-4550