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January 6, 2006

**FILED<sup>4</sup>**

JAN 06 2006

The Honorable Colleen M. Dale  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

Missouri Public  
Service Commission

Re: Hypercube, LLC and KMC Data LLC

Dear Judge Dale:

Enclosed for filing please find the original and five copies of a Joint Application and a Motion for Expedited Treatment.

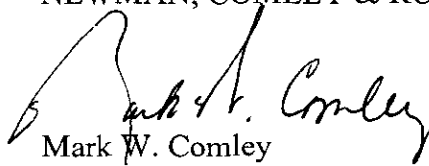
Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if there are any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Mr. James Mertz  
Mr. Brett Ferenchak

BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION

**FILED**<sup>4</sup>

JAN 06 2006

Missouri Public  
Service Commission

Joint Application of )

**Hypercube, LLC** )

and )

**KMC Data LLC** )

For Grant of the Authority to Complete a )  
Series of Transactions Resulting in the )  
Transfer of Control of an Authorized Carrier )

Case No. \_\_\_\_\_

**MOTION FOR EXPEDITED TREATMENT**

COME NOW Hypercube, LLC ("Hypercube") and KMC Data LLC ("KMC Data," together with Hypercube the "Applicants"), by and through undersigned counsel, by and through counsel, and for their Motion for Expedited Treatment pursuant to 4 CSR 240-2.080(16) hereby state:

1. Simultaneously with this Motion, Applicants filed an Application for authority to transfer control of KMC Data to Hypercube (the "Application"). The filing of this Application is one step in a comprehensive transaction arising out of the sale of KMC Data to Hypercube.

2. The transfer of control, as described in the Application, is scheduled to occur as soon as possible after the Commission approves the Transaction, consistent with the grant of other required approvals.

3. Applicant respectfully requests the Commission to issue an Order approving the Application to be come effective as soon as possible, but no later than February 24, 2006.

4. The proposed transaction is an important component of the proposed Hypercube/KMC Data transaction and securing the necessary regulatory authorities in a timely manner is an important prerequisite to completion of the proposed transaction. Accordingly, Applicants request that the Commission commence its review of this Application as soon as possible. The Applicants have been mindful of the need to structure a transaction and proceed as quickly as possible to avoid any confusion or inconvenience to consumers. The public interest therefore supports commencement of the review process at this time.

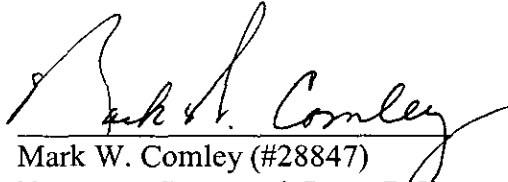
5. Expeditious consideration and grant of the Application is therefore an important step towards ensuring the on-going viability of KMC Data and maintaining continuity of service for KMC Data's customers.

6. This pleading was filed simultaneously with the application concerning the Transaction and was filed as soon as it possibly could have been.

WHEREFORE, for all the reasons stated herein, the Applicants respectfully request that the Commission grant this Motion for Expedited Treatment and issue its order granting the relief requested in the Application.

Respectfully submitted,

By:



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COUNSEL FOR APPLICANTS

Dated: January 6 2006

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 6th day of January, 2006, to General Counsel's Office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov); and Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov).

