

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED
02-12-10
04:59 PM

HYPERCUBE TELECOM, LLC)	
(U-6592-C),)	
)	
Complainant,)	
)	
v.)	C.09-05-009
)	
LEVEL 3 COMMUNICATIONS, LLC)	
(U-5941-C),)	
)	
Defendant.)	

**HYPERCUBE TELECOM, LLC (U-6592-C) MOTION FOR LEAVE TO FILE
AMENDMENT TO OPPOSITION TO MOTION OF LEVEL 3 COMMUNICATIONS,
LLC (U-5941-C) TO DISMISS OR STAY**

Hypercube Telecom, LLC (“Hypercube”), pursuant to Commission Rule 1.12, hereby moves for leave to file an amendment of its previously filed Opposition to Motion of Level 3 Communications, LLC (“Level 3”) to Dismiss, filed in this matter on July 16, 2009 (“Opposition”).¹ This Motion was granted orally by Administrative Law Judge DeAngelis on February 11, 2010, and is filed for purposes of the official record of this proceeding. Hypercube is separately and simultaneously filing its Amendment of Opposition Motion to Dismiss.

Hypercube seeks to file an amendment to the Opposition to Level 3’s Motion to Dismiss in order to apprise the ALJ and the Commission of recent developments that demonstrate that Level 3’s Motion to Dismiss should be denied because Level 3 has admitted in discovery that it does exactly what Hypercube does; Level 3 has contracts with wireless carrier to transport 8YY traffic that begins on a wireless carrier network and ends with an IXC and that Level 3 has

¹ Level 3’s Motion to Dismiss or Stay was filed on July 1, 2009. Level 3 moved to amend its Motion to Dismiss or Stay on January 7, 2010 and filed an Amendment that same day.

charged IXCs intrastate access charges for 8YY traffic that begins on a wireless carrier's network. Further, Hypercube has also learned that the supposed "industry-wide" dispute identified by Level 3 to support dismissal of Hypercube's Complaint is really just an effort by three companies to disparage Hypercube and avoid paying lawful access charges.

For these reasons, Hypercube respectfully requests leave to file an amendment to its Opposition to Level 3's Motion to Dismiss.

February 12, 2010

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I, Edilma Carr, certify that I have on February 12, 2010, caused a copy of the foregoing:

**HYPERCUBE TELECOM, LLC (U-6592-C) MOTION FOR LEAVE TO FILE
AMENDMENT TO OPPOSITION TO MOTION OF LEVEL 3 COMMUNICATIONS,
LLC (U-5941-C) TO DISMISS OR STAY**

to be served by electronic email on all known parties listed on the official updated service list for C.09-05-009 available on the California Public Utilities Commission website. All parties on the attached service list have consented to service by email.

I also caused courtesy copies to be sent via overnight mail as follows:

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Executed February 12, 2010 at Washington, D.C.

/s/
Edilma Carr



California Public
Utilities Commission

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