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ARIZONA CORPORATION COMMISSION
UTILITIES DIVISION
1200 W. WASHINGTON STREET
PHOENIX, AZ 85007

RECEIVED

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Letter of Non-Compliance

September 24, 2003

Mr. Mike Duke
KMC Data, L.L.C.
1755 North Brown Road
Lawrenceville, Georgia 30043

RE: DOCKET NO. T-04014A-01-0340 DECISION NO. 65125

Dear Mr. Duke:

This notice will inform you that KMC Data, L.L.C. has not met certain compliance requirements ordered by the Commission in the above-referenced Decision. In that Decision, the Commission conditioned approval of the application on KMC Data, L.L.C. filing certain documents with the Commission within a specific time period as described on the enclosed Compliance Delinquencies Report.

As a result of this non-compliance, the Certificate of Convenience and Necessity did not issue to KMC Data, L.L.C. and is void. If KMC Data, L.L.C. intends to provide service in the future within Arizona, it must file a new application for a certificate of convenience and necessity.

If you believe this to be in error, or, if I can answer any questions, please contact me at 602-542-0818.

Sincerely,

Brian Bozzo
Manager, Compliance and Enforcement
Utilities Division

enclosure
cc: Docket Control, with fifteen copies

Arizona Corporation Commission

DOCKETED

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DOCKETED BY *ckr*

Compliance Delinquencies Report

Report Date: September 24, 200

COMPANY: KMC Data, L.L.C.
DOCKET NO. T-04014A-01-0340
DECISION NO. 65125 **DECISION DATE:** 8/23/2002

COMPLIANCE ACTION: Certificate is conditioned on Company filing conforming tariffs with the Commission in accordance with the Commission's Decision within 365 days from the effective date of the Commission's Decision, or 30 days prior to providing service, whichever comes first. If the Company fails to meet this timeframe, then the Certificate conditionally granted shall become null and void without further Order of the Commission.

COMPLIANCE DUE DATE 8/25/2003 **OR,**
30 days prior to providing service, whichever comes first.

COMPLIANCE ACTION: Certificate is conditioned on Company filing proof of a performance bond for \$135,000 the earlier of 365 days of the effective date of the Commission's Decision, or 30 days prior to the commencement of service. The bond must remain in effect until further Order of the Commission. If the Company fails to meet this timeframe, then the Certificate conditionally granted shall become null and void without further Order of the Commission.

COMPLIANCE DUE DATE 8/25/2003 **OR,**
30 days prior to providing service, whichever comes first.

COMPLIANCE ACTION: Application is approved subject to the following. Unless the Company provides services solely through the use of its own facilities, the Company is ordered to procure an Interconnection Agreement, within 365 days of the effective date of the Commission's Decision, or 30 days prior to the provision of service, whichever comes first. The Interconnection Agreement must remain in effect until further Order of the Commission, before being allowed to offer local exchange service. If the Company fails to meet this timeframe, then the Certificate conditionally granted shall become null and void without further Order of the Commission.

COMPLIANCE DUE DATE 8/25/2003 **OR,**
30 days prior to providing service, whichever comes first.

Compliance Delinquencies Report

Report Date: September 24, 200

COMPANY: KMC Data, L.L.C.
DOCKET NO. T-04014A-01-0340
DECISION NO. 65125 **DECISION DATE:** 8/23/2002

COMPLIANCE ACTION: Application is approved subject to the following. The Company is ordered to file with the Commission, within 365 days of the effective date of the Commission's Decision, or 30 days prior to the provision of service, whichever comes first, its plan to have its' customers' telephone numbers included in the incumbent's Directories and Directory Assistance databases. If the Company fails to meet this timeframe, then the Certificate conditionally granted shall become null and void without further Order of the Commission.

COMPLIANCE DUE DATE 8/25/2003 **OR,**
30 days prior to providing service, whichever comes first.

COMPLIANCE ACTION: Application is approved subject to the following. The Company is ordered to certify through the 911 service provider in the area in which it intends to provide service, that all issues associated with the provision of 911 service have been resolved with the emergency service providers, within 365 days of the effective date of the Commission's Decision, or 30 days prior to the provision of service, whichever comes first. The certification must remain in effect until further Order of the Commission. If the Company fails to meet this timeframe, then the Certificate conditionally granted shall become null and void without further Order of the Commission.

COMPLIANCE DUE DATE 8/25/2003 **OR,**
30 days prior to providing service, whichever comes first.
