

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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|--|---|-------------------------|
| Application of KMC Telecom V, Inc. and       | ) |                         |
| KMC Telecom of Virginia, Inc. to Discontinue | ) | WC Docket No. 05-309    |
| Domestic Telecommunications Services         | ) | Comp. Pol. File No. 729 |

**OBJECTIONS OF  
US LEC ACQUISITION CO.**

US LEC Acquisition Co. (“US LEC”), pursuant to the Public Notice issued by the Federal Communications Commission (“FCC”) on November 4, 2005 inviting comments in the above-styled proceeding,<sup>1</sup> respectfully submits its objection to the Application of KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc. (collectively, “KMC”) to Discontinue Domestic Telecommunications Services (“Application”). US LEC objects to the Application because the December 5, 2005 discontinuance date may provide insufficient time for US LEC to have the alternative services to those currently provided by KMC installed and operational. Discontinuance of service by KMC prior to the alternative service being in place could adversely affect the customers of US LEC that are served using the KMC services and disrupt the customers’ operations. US LEC believes that a sixty day period is more appropriate, and asks that KMC be required to maintain services to US LEC until January 6, 2006 or until all services have been transitioned to another provider, whichever is earlier.

On February 1, 2005, KMC and US LEC entered into a Master Service Agreement (“Agreement”) under which KMC would provide US LEC inbound PRI services (“Services”). The term of the Agreement for these Services was for a period of

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<sup>1</sup> Public Notice, Comments Invited on Application of KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc. to Discontinue Domestic Telecommunications Services, WC Docket No. 05-309, Comp. Pol. File No. 729, DA 05-2927 ( Nov. 4, 2005).

one year, with a month-to-month automatic renewal. Pursuant to this Agreement, US LEC ordered Services. None of the Services ordered are subject to the month-to-month renewal provision at this time, and are within the initial term of the Agreement.

US LEC uses the Services to provide Internet access to US LEC customers. In the event that these Services are discontinued prior to the substitute services being installed and operational, over 2,900 consumers would lose access to the Internet. Such disruption may result in these consumers selecting an alternative Internet access provider and US LEC losing all or a portion of its customer base in the affected markets

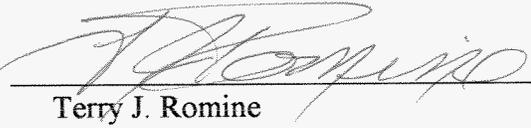
On October 27, 2005, US LEC received a letter from KMC notifying US LEC of KMC's intent to discontinue service within thirty (30) days of the date of the letter. KMC advised US LEC that US LEC had the right to submit an objection to the FCC within fifteen (15) days after receipt of the notification. Upon receipt of the letter, US LEC began its efforts to obtain substitute service for the Services provided by KMC. Although substitute service is available, based on current Firm Order Commitment ("FOC") dates, not all of the substitute services will be installed and operational by December 5, 2005.

Currently, there are a number of circuits that US LEC has not received a FOC date from the alternative provider, although US LEC has been asking for status on a daily basis. It is uncertain whether the provider will be able to meet a December 5 date. Consequently, if KMC were to discontinue service to US LEC on December 5, US LEC's customers would suffer service disruption. US LEC believes, however, that all of the alternative provider should be able to install the new services prior to January 6, 2006.

US LEC is not seeking to delay KMC's discontinuance efforts for any significant length of time – only an additional 30 days at the most. As US LEC did not contemplate that it would have to seek alternative service prior to the end of the service term as mutually agreed to by the parties less than a year ago, US LEC requires the additional time to obtain the alternative service. Accordingly, US LEC asks the FCC to extend the date on which KMC is authorized to terminate the Services at least until January 6, 2006.

Respectfully submitted,

US LEC ACQUISITION CO.

By: 

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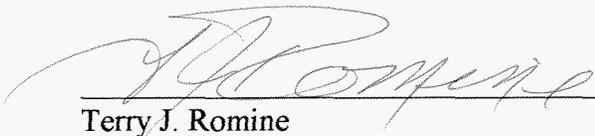
Date: November 18, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2005 I forwarded the foregoing Objections of US LEC Acquisition Co. in WC Docket No. 05-309, Comp. Pol. File No. 729 to the following via first-class mail, postage prepaid:

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