

SPENCER FANE BRITT & BROWNE LLP
ATTORNEYS AND COUNSELORS AT LAW

PETER MIRAKIAN III
DIRECT DIAL (816) 292-8158
pmirakian@spencerfane.com

1273100-26

August 23, 1999

Via FedEx

The Honorable Dale Hardy Roberts
Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Suite 530
Jefferson City, MO 65101

FILED

AUG 24 1999

Missouri Public
Service Commission

Re: Birch Telecom of Missouri, Inc.

TO-2000-16

Dear Judge Roberts:

Please find enclosed one original and 14 copies of a Motion to Intervene filed on behalf of Birch Telecom of Missouri, Inc. in Case No. TO-2000-16. This motion is filed in response to the Commission's Order Directing Notice, Directing Reports, and Requiring Record Collection dated August 10, 1999. As you can see from the Certificate of Service, copies of this pleading have been served on the Office of the Public Counsel and each of the parties named in the Order.

Please date stamp and return the enclosed copy of this cover letter in the return envelope we have provided to signify your receipt of this pleading. If you have any questions, please call me.

Yours truly,



Pete Mirakian

PM1:cb1

Enclosures

cc: Ms. Ellen L. Herrmann w/enc.

Walnut 505571.1

FILED

AUG 24 1999

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

**Missouri Public
Service Commission**

In the Matter of the Motion to)
Establish a Docket Investigating)
the IntraLATA Toll Service)
Provisioning Practices of Missouri)
Interexchange Carriers, Public)
Utility or Common Carrier Duties of)
Interexchange Carriers, Motion)
to Show Cause, Request for Emergency)
Hearing, and Alternative Petition)
for Suspension and Modification)

Case No. TO-2000-16

MOTION TO INTERVENE

COMES NOW Birch Telecom of Missouri, Inc. ("Birch") and hereby submits its Motion to Intervene in Case No. TO-2000-16 pursuant to the Missouri Public Service Commission's (the "Commission") Order Directing Notice, Directing Reports, and Requiring Record Collection dated August 10, 1999.

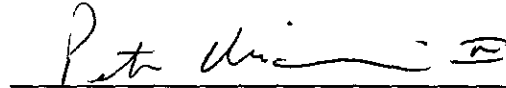
1. Birch is a Delaware corporation with principal offices located at 2020 Baltimore Avenue, Kansas City, Missouri 64108, and holds certificates to provide basic local, local exchange, and interexchange telecommunications services in the State of Missouri.

2. Birch is filing this Motion to Intervene in accordance with the Commission's August 10 Order because Birch and Birch's customers will be affected by the resolution of this case. By virtue of offering its intraLATA toll dialing parity plan to its customers, Birch has an interest in this proceeding which is different from that of the general public, and Birch desires to protect its interests by being permitted to intervene in this case.

WHEREFORE, Birch Telecom of Missouri, Inc. respectfully requests the Commission to grant Birch's Motion to Intervene.

Respectfully Submitted,

SPENCER FANE BRITT & BROWNE LLP



Peter Mirakian III MO Bar No. 47841
1000 Walnut Street, Suite 1400
Kansas City, MO 64106-2140
Telephone (816) 474-8100
Facsimile (816) 474-3216

ATTORNEYS FOR BIRCH TELECOM OF
MISSOURI, INC.

CERTIFICATE OF SERVICE

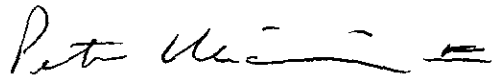
I, Peter Mirakian III, hereby certify that a true and correct copy of the above and foregoing Motion to Intervene of Birch Telecom of Missouri, Inc. in Case No. TO-2000-16 was placed in the United States Mail, postage prepaid on this 23rd day of August, 1999, to the following:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Paul S. DeFord
Lathrop & Gage L.C.
2345 Grand Boulevard, Suite 2800
Kansas City, MO 64108-2684

Craig S. Johnson
Andereck, Evans, Milne, Peace & Baumhoer
P.O. Box 1438
Jefferson City, MO 65102

W.R. England, III
Brydon, Swearengen & England, P.C.
P.O. Box 456
Jefferson City, MO 65102



ATTORNEY FOR BIRCH TELECOM OF
MISSOURI, INC.