

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

In the Matter of the Revised Tariff	)	
Filing of Birch Telecom of Missouri, Inc.	)	Case No.
to Increase the Rates of Certain of its Services	)	

**MOTION FOR EXPEDITED TREATMENT**

Comes now Birch Telecom of Missouri, Inc. ("Birch Telecom"), pursuant to 4 CSR 240-2.080(16), and for its Motion for Expedited Treatment, states the following to the Missouri Public Service Commission ("Commission"):

1. On May 5, 2005, at approximately 3:40 p.m., Birch Telecom submitted for filing, via the Commission's Electronic Filing and Information System, revisions to its Local Exchange Services Tariff (PSC Mo. No. 3), to increase the rates of certain of its services, which requires ten (10) days notice to the Commission. The effective date of the tariff revisions was May 15, 2005.

2. In addition to increasing the rates for certain services, the tariff revisions also included provisions by which to grandfather these same services so that they would not be available to new customers effective May 15, 2005. The revisions also included some miscellaneous error corrections and text changes. However, those revisions require a thirty (30) day notice period.

3. Birch Telecom admits that those revisions requiring a thirty (30) day notice were included in the tariff revisions in error.

4. Today, May 10, 2005, Birch Telecom received notification from the Commission staff at 7:57 a.m. that the tariff submission had been rejected. The staff explained that, "The

tariff submission is making more tariff revisions than just rate increases, which requires a minimum of 30 days' notice to the Commission."

5. It is essential that the rate increases proposed by the tariff revisions become effective on May 15, 2005. Notice of same has been sent to customers, and extensive changes to Birch Telecom's billing system have been made to accommodate the charging of the new rates on that date for the May 15<sup>th</sup> bill cycle.

6. Under cover of this motion, Birch Telecom now submits tariff revisions designed to effect only the rate increase first proposed in its revisions filed May 5, 2005. The attached tariff revision is free of the other revisions that required more than a ten day effective date. Birch Telecom respectfully requests that the Commission grant expedited treatment of this tariff filing in order that these revisions may become effective on May 15, 2005, as was contemplated by Birch Telecom when the tariff revisions were originally submitted.

7. Customers of Birch Telecom will suffer no harm should this tariff submission receive expedited treatment, as they have already received the notification of the rate increases, and without the error made on Birch Telecom's part in including the grandfathering and other miscellaneous revisions, the revisions to increase the rates would have gone into effect on May 15, 2005, without any further action on anyone's part.

8. This motion was prepared and filed as soon as possible after Birch Telecom learned that its original tariff revision had been rejected.

Wherefore, Birch Telecom respectfully requests that the Commission grant its Motion for Expedited Treatment and approve effective May 15, 2005 the tariff filing filed with this pleading.

Respectfully submitted,

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ATTORNEYS FOR BIRCH TELECOM OF  
MISSOURI, INC.

#### CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)), and the Office of Public Counsel (at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)), on this 10<sup>th</sup> day of May, 2005.

**/s/ Barbara Fillinger**

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