



August 2, 2000

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

FILED²
AUG 0³ 2000 *js*
Missouri Public
Service Commission

RE: TC-2000-772

Dear Judge Roberts:

Enclosed please find one original and nine (9) copies of a *Motion to Withdraw Complaint*, on behalf of Birch Telecom of Missouri, Inc., in Case No. TC-2000-772. As you can see from the Certificate of Service, one copy of this pleading has been served on the Office of Public Counsel.

Please date stamp a copy and return the enclosed copy of the additional pleading in the return envelope we have provided to signify your receipt of this filing.

Thank you for your attention to this matter.

Very truly yours,

Kara A. Gilmore
Missouri Bar No. 44861
Corporate Counsel
Birch Telecom, Inc.
(816) 300-3000

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

AUG 03 2000

Missouri Public
Service Commission

Birch Telecom of Missouri, Inc.,)
)
Complainant,)
)
v.)
)
Midwestern Tel,)
)
Respondent.)

Case No. TC - 2000- 772

MOTION TO WITHDRAW COMPLAINT

Comes now Birch Telecom of Missouri, Inc. ("Birch"), and hereby files this Motion to Withdraw the formal complaint it filed pursuant to 4 C.S.R. 240-2.070 against Midwestern Tel ("MWT") for MWT's refusal to lift restrictive identifiers it has placed on some of its customers' lines. In support of its Motion, Birch states as follows:

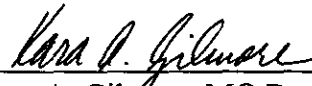
1. On May 22, 2000, Birch filed a complaint with the Missouri Public Service Commission against Midwestern Tel ("MWT") for MWT's refusal to lift restrictive identifiers it has placed on some of its customers' lines.
2. Prior to and subsequent to the filing of the complaint, Birch provisioning personnel worked closely with MWT personnel in an effort to get the restrictive identifiers ("FIDs") removed from customers' accounts.
3. As of June 15, 2000, Birch no longer had any customers who were converting from MWT to Birch that had FIDs on their accounts.
4. On June 15, 2000, Birch had discussions with MWT counsel, David Dyroff

concerning the complaint. As Birch had not uncovered any further customer accounts restricted by FIDs, Birch reached an agreement with MWT counsel to allow MWT to take a thirty-day extension (to and including July 24, 2000) in which to respond to Birch's complaint.

5. In subsequent discussion with MWT counsel, Birch agreed to withdraw its complaint against MWT since it no longer had customer accounts with restrictive identifiers on them.

WHEREFORE based on the fact that no other Birch customer accounts are currently frozen with restrictive identifiers placed on them by Midwestern Tel, Birch respectfully requests this Commission to grant its Motion to Withdraw Complaint and dismiss Birch's complaint against Midwestern Tel without prejudice.

Respectfully submitted,



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Kansas City, MO 64108
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CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the above and foregoing Complaint was sent via U.S. Mail or certified U.S. Mail on this 2nd day of August, 2000 to:

Office of Public Counsel
Missouri Public Service Commission
P.O. Box 7800
Jefferson City, Missouri 65102

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Midwestern Tel
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