

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

|   |   |                         |
|---|---|-------------------------|
| Joint Application of                              | ) |                         |
| Ionex Communications, Inc. dba Birch              | ) |                         |
| Communications, Birch Telecom of Missouri, Inc.   | ) | Docket No. TM-2011-0079 |
| dba Birch Communications, and American Fiber      | ) |                         |
| Network, Inc. for Approval to Transfer Assets and | ) |                         |
| Customers   | ) |                         |

**RESPONSE TO COMMISSION ORDER**

COME NOW Birch Telecom of Missouri, Inc., d/b/a Birch Communications (“Birch”), Ionex Communications, Inc., d/b/a Birch Communications (“Ionex”) and American Fiber Network, Inc. (“AFN”), pursuant to 4 CSR-240-2.080, and hereby files their Response to Commission Order Directing Filing and state as follows:

1. On October 15, 2010, the Commission issued its Order Directing Birch, Ionex and AFN to file a response to Staff’s Reply filed on October 13, 2010.
2. Birch, Ionex and AFN hereby concur with Staff’s Reply of October 13, 2010, moving the Commission to grant the Companies waiver of 4 CSR 240-33.150, with respect to any change of provider that occurs as a result of the asset transfer.

WHEREFORE, having fully responded, Birch, Ionex and AFN hereby request that the Commission issue its Order granting the Companies waiver of 4 CSR 240-33.150, with respect to any change of provider that occurs as a result of the asset transfer.

Respectfully Submitted,

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Leland B. Curtis

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## **CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing documents was either faxed, emailed, or mailed by U.S. Mail postage paid this 15th day of October, 2010, to the following:

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