

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

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

ORDER DIRECTING FILING

Issue Date: October 15, 2010

Effective Date: October 15, 2010

On September 17, 2010, the Commission received the instant application. The Staff of the Commission filed a Motion to Dismiss on the same date.

The applicants responded to Staff's motion on September 23, asking the Commission to deny the motion or, in the alternative, allow the applicants to amend their application to seek approval of the transaction solely pursuant to Commission Rule 4 CSR 240-33.150. Staff replied on October 13, stating that the most appropriate action would be for the Commission to waive that rule.

The applicants are directed to respond to Staff's October 13 reply.

THE COMMISSION ORDERS THAT:

1. The applicants shall respond as described above no later than October 21, 2010.

2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 15th day of October, 2010.