

**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)
and American Fiber Network, Inc. for Approval)
to Transfer Assets and Customers)

File No. TM-2011-0079

ORDER DIRECTING FILING

Issue Date: October 6, 2010

Effective Date: October 6, 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 is directed to respond to the applicants' proposal.

THE COMMISSION ORDERS THAT:

1. The Staff of the Commission shall respond as described above no later than October 13, 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 6th day of October, 2010.