

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

In the Matter of Birch Telecom of)	Case No. TN-2008-0307
Missouri, Inc. Changing Name to Birch)	Tariff Nos. JC-2008-0580,
Telecom of Missouri, Inc. d/b/a Birch)	JX-2008-0579, JX-2008-0581
Communications.)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. On March 26, 2008, Birch Telecom of Missouri, Inc. (Birch Telecom) filed with the Public Service Commission a notice of change of name from Birch Telecom of Missouri, Inc. to Birch Telecom of Missouri, Inc. d/b/a Birch Communications. Birch Telecom received its certificates in Case Nos. TA-97-371 and TA-97-372.

2. Commission rule 4 CSR 240-2.060 provides:

(5) A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a non-attorney. Applications for approval of a change of name shall include:

- (A) A statement, clearly setting out both the old name and the new name;
- (B) Evidence of registration of the name change with the Missouri secretary of state; and
- (C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

3. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Commission approve the change of name.

4. The request clearly sets out the old name (Birch Telecom of Missouri, Inc.) and the new name (Birch Telecom of Missouri, Inc. d/b/a Birch Communications). The request includes evidence of registration of the name change with the Missouri Secretary of State. The

request also included a draft letter to notify customers of the name change in compliance with 4 CSR 240-3.545(20), and Staff has reviewed the notice and found it acceptable.

5. The company has submitted new tariff sheets with an effective date of April 25, 2008, with the new name clearly identified. Staff has reviewed the new tariff sheets and recommends that the Commission approve those tariff sheets.

WHEREFORE, the Staff recommends that the Commission issue an order to recognize the name change of Birch Telecom of Missouri, Inc. to Birch Telecom of Missouri, Inc. d/b/a Birch Communications; and approve the tariff sheets filed to effectuate that name change with an effective date of April 25, 2008.

Respectfully submitted,

/s/ Shelley Syler Brueggemann
Shelley Syler Brueggemann
Senior Counsel
Missouri Bar No. 52173

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Missouri Public Service Commission
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 15th day of April 2008.

/s/ Shelley Syler Brueggemann

Memorandum

To: Missouri Public Service Commission Official Case File
Case No. TN-2008-0307
Tariff Nos. JX-2008-0579, JC-2008-0580 and JX-2008-0581
Date: 4/14/08

From: Lisa Mahaney
Telecommunications Department

William Voight 4/14/08
Utility Operations Division/Date

Shelley Brueggemann 4/14/08
General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Name Change

Existing Name of Company: Birch Telecom of Missouri, Inc.
Proposed Name of Company: Birch Telecom of Missouri, Inc., d/b/a Birch Communications

The Telecommunications Department Staff (Staff) recommends the Commission approve the change of name and tariff sheet(s) for Nos. 1, 3 and 4 effective 4/25/08.

Review Items

Administrative:

- ☒ No applications to intervene filed.
- ☒ Evidence of registration of the name change with the Missouri Secretary of State has been submitted.

- ☒ Customers have been notified. (4 CSR 240-3.545(20))
- ☐ Customers will be notified at or before the next billing cycle of any name change. (4 CSR 240-3.545(20))

Tariff:

- ☒ Adoption Notice
- ☒ Revised Title Page (see tariff review section below)
- ☐ New Tariff (see tariff review section below)

Tariff review items (as applicable):

- ☒ Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- ☐ Identifies competitive classification.
- ☐ Identifies waivers granted.
- ☐ Customer specific pricing, if proposed, limited for private line, special access or Centrex-like services or to business customers in exchanges where the incumbent local exchange company has had its business services declared competitive pursuant to Section 392.245. (392.200(8)).
- ☐ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (392.200(4)).

Appendix A

- ☐ If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50). (392.515(1))

Tariff review items (as applicable, only for CLECs):

- ☐ Tariff clearly indicates areas offering local service area
(____AT&T Missouri, ____CenturyTel, ____ Sprint, ____ Spectra, ____ Other)
- ☐ Tariff offers local service as a separate and distinct service.
- ☐ Switched access service rates capped at ILEC's rates.

Are there additional recommendations or special considerations?

☐ No

☒ Yes

If yes, explain in an attachment.

- ☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.
- ☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- (☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

A representative of Birch Telecom informed Staff that the company will cancel Birch Telecom of Missouri, Inc. Tariff No. 2.

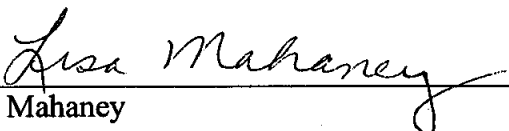
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Communications)		JX-2008-0581

AFFIDAVIT OF LISA MAHANEY

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



Lisa Mahaney

Subscribed and affirmed before me this 14th day of April 2008
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC