

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Birch Telecom)
of Missouri, Inc., d/b/a Birch Communications, and)
Now Communications, Inc., Known in Missouri as)
Now Communications, Incorporated of Delaware,)
d/b/a Cleartel Communications, for Transfer of)
Customer Base.)

File No. TM-2009-0411

ORDER DIRECTING FILING AND NOTICE OF DEFICIENCY

Issue Date: June 16, 2009

Effective Date: June 16, 2009

On May 14, 2009, Birch Telecom of Missouri, Inc., d/b/a Birch Communications, and Now Communications, Inc., filed an application for authority to transfer certain assets from Now to Birch. Birch filed proposed revised tariff sheets on June 3, 2009, and requested in its cover letter that the tariffs become effective on July 1, 2009.

Section 392.220, RSMo Cum. Supp. 2008, requires every telecommunications company to file with the Commission its tariff. That section also gives the Commission authority to prescribe the form of that tariff. The Commission has set out the requirements for telecommunications tariffs at 4 CSR 240-3.545. Section (18) of that rule requires that the tariffs be submitted at least 30 days before their effective date. Birch has submitted its tariff with only 28 days until its proposed effective date without any request for expedited treatment or waiver of the requirement. Therefore, Birch is notified that it must fix this deficiency.

In addition, the Commission will direct its Staff to review the tariff and make a recommendation.

THE COMMISSION ORDERS THAT:

1. The Staff of the Missouri Public Service Commission shall file a recommendation regarding the tariff filing in this matter no later than **10:00 a.m.** on June 22, 2009.
2. This order shall become effective upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 16th day of June, 2009.