

# NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
MONROE BLUFF EXECUTIVE CENTER  
601 MONROE STREET, SUITE 301  
P.O. BOX 537  
JEFFERSON CITY, MISSOURI 65102-0537  
www.ncrpc.com

TELEPHONE: (573) 634-2266  
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD  
ROBERT J. BRUNDAGE  
MARK W. COMLEY  
CATHLEEN A. MARTIN  
STEPHEN G. NEWMAN  
JOHN A. RUTH

October 15, 2004

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

FILED

OCT 15 2004

Missouri Public  
Service Commission

Re: Case No. TO-2005-0037

Dear Judge Roberts:

This office represents Birch Telecom of Missouri, Inc. (Birch) in the referenced matter, and oral arguments have been scheduled for Monday, October 18, 2004. Birch will not have a separate presentation for the Commission to consider at that argument. Birch believes that the other parties will be able to advise the Commission of the salient issues of the case at this time. Accordingly, Birch requests that it be excused from appearing at the arguments scheduled for Monday, October 18, 2004.

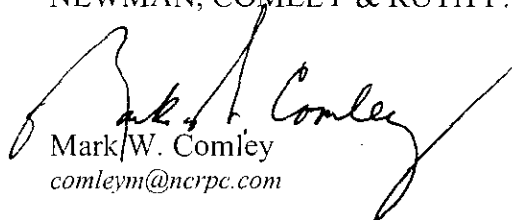
I want to emphasize that although it seeks an excused absence on Monday, Birch still has an active interest in the outcome of this case and wishes to remain a party.

Thank you very much.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Judge Morris Woodruff  
Office of Public Counsel  
General Counsel's Office  
Rose Mulvany Henry  
All Counsel of Record