

RECEIVED

2004 JUL 14 AM 10:31

BellSouth Telecommunications, Inc
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

T.R.A. DOCKET ROOM ;

Guy M. Hicks
General Counsel

615 214 6301
Fax 615 214 7406

July 13, 2004

VIA HAND DELIVERY

Hon. Pat Miller
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

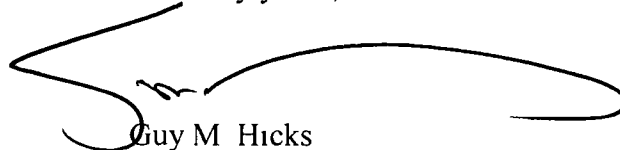
Re: *Approval of the Amendment to the Interconnection Agreement Negotiated by
BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc
Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*
Docket No. 04-00209

Dear Chairman Miller:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, Birch Telecom of the South, Inc. and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority ("TRA") the original and fourteen copies of the attached Petition for Approval of the Amendment to the Interconnection Agreement dated July 14, 2000. The Amendment adds Merged Tandem Switching to the Agreement.

Thank you for your attention to this matter.

Sincerely yours,



Guy M. Hicks

GMH/dt

Enclosure

cc: Greg Lawhon, Attorney for Birch Telecom of the South, Inc

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. 02-01109

PETITION FOR APPROVAL OF THE
AMENDMENT TO THE INTERCONNECTION AGREEMENT
NEGOTIATED BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.
AND BIRCH TELECOM OF THE SOUTH, INC.
PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996

COME NOW, Birch Telecom of the South, Inc. ("Birch") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Interconnection Agreement dated July 14, 2000 (the "Amendments") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Birch and BellSouth state the following:

1. Birch and BellSouth have successfully negotiated an agreement for interconnection of their networks, the unbundling of specific network elements offered by BellSouth and the resale of BellSouth's telecommunications services to Birch. The Interconnection Agreement was approved by the Tennessee Regulatory Authority ("TRA") on March 20, 2001.

2. The parties have recently negotiated an Amendment to the Agreement. The Amendment adds Merged Tandem Switching to the Agreement. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Birch and BellSouth are submitting their Amendment to the TRA for its consideration and approval. The

Amendment provides that either or both of the parties is authorized to submit the Amendment to the TRA for approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between BellSouth and Birch within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Birch and BellSouth aver that the Amendment is consistent with the standards for approval.

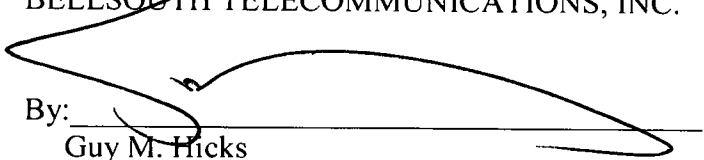
6. Pursuant to Section 252(i) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Birch and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 13th day of July, 2004.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

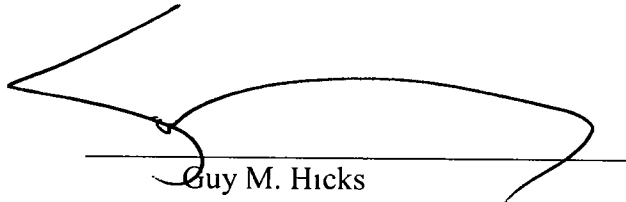
By: 

Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6301
Attorney for BellSouth

CERTIFICATE OF SERVICE

I, Guy M. Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Interconnection Agreement on the following via United States Mail on the 13th day of July, 2004:

Greg Lawhon, Esquire
General Counsel
Birch Telecom of the South, Inc.
2020 Baltimore Avenue
Kansas City, Missouri 64108-1914



Guy M. Hicks

**Amendment to the Agreement
Between
Birch Telecom of the South, Inc.
and
BellSouth Telecommunications, Inc.
Dated July 14, 2000**

Pursuant to this Amendment, (the "Amendment"), Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch ("Birch") on behalf of itself and its certificated operating affiliates identified in Part C hereof, and BellSouth Telecommunications, Inc. ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated July 14, 2000 ("Agreement") to be effective upon the date of the last signature executing the Amendment

WHEREAS, BellSouth and Birch entered into the Agreement on July 14, 2000,
and,

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows

- 1 The parties agree to add the following provision to Attachment 2, Section 3 3 1 and the associated rates as set forth in Exhibit 1 of this Amendment, attached hereto and incorporated herein by this reference
- 3 3 1 1 Where Birch utilizes portions of the BellSouth network in originating or terminating traffic, the Tandem Switching rates are applied in call scenarios where the Tandem Switching Network Element has been utilized. Because switch recordings cannot accurately indicate on a per call basis when the Tandem Switching Network Element has been utilized for an interoffice call originating from a UNE port and terminating to a BellSouth, Independent Company or Facility-Based CLEC office, BellSouth has developed, based upon call studies, a melded rate that takes into account the average percentage of calls that utilize Tandem Switching in these scenarios. BellSouth shall apply the melded Tandem Switching rate for every call in these scenarios. BellSouth shall utilize the melded Tandem Switching Rate until BellSouth has the capability to measure actual Tandem Switch usage in each call scenario specifically mentioned above, at which point the rate for the actual Tandem Switch usage shall apply. The UNE Call Flows set forth on BellSouth's website, as amended from time to time and incorporated herein by this reference, illustrate when the full or melded Tandem Switching rates apply for specific scenarios
- 2 All of the other provisions of the Agreement, dated July 14, 2000, shall remain in full force and effect
- 3 Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996

PART C

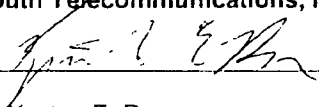
Schedule of Birch Telecom of the South, Inc (Birch) Operating Affiliates

Birch Telecom of the South, Inc d/b/a Birch Telecom and d/b/a Birch – FL

Birch Telecom of the South, Inc – AL, GA, KY, LA, MS, NC, SC and TN

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year written below

BellSouth Telecommunications, Inc.

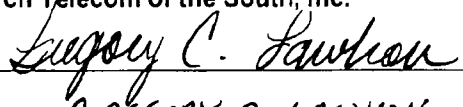
By 

Name Kristen E Rowe

Title Director

Date 5/28/04

Birch Telecom of the South, Inc.

By 

Name GREGORY C. LAWHON

Title SVP

Date 5/27/04

[illegible]

[illegible]

[illegible]

Version 3Q03 11/12/2003

Version 3Q03 11/12/2003

Version 3Q03 11/12/2003

Version 3Q03 11/12/2003

[illegible]

