

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**June 3, 2008**

**IN RE:**

**PETITION OF BIRCH TELECOM OF THE SOUTH,  
INC. D/B/A BIRCH TELECOM AND BIRCH TO ADD  
AN ASSUMED NAME, BIRCH COMMUNICATIONS**

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**DOCKET NO.  
08-00050**

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**ORDER GRANTING APPROVAL OF AN ASSUMED NAME**

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This matter came before Director Tre Hargett, Director Sara Kyle, and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 5, 2008, upon the petition of Birch Telecom of the South, Inc. d/b/a Birch Telecom and Birch ("Birch" or "Company") to add an assumed name.

By Order dated July 20, 2000 in Docket No. 00-00341, the Authority approved a Certificate of Public Convenience and Necessity ("CCN") allowing Birch to provide facilities-based local exchange, exchange access, and interexchange telecommunications services in Tennessee. On January 23, 2001, in Docket No. 00-01143, the Authority approved the addition of two assumed names for Birch, Birch Telecom and Birch. By Order dated February 12, 2008 in Docket No. 07-00258, the Authority approved a transfer of authority from Birch to Access Integrated Networks, Inc. However, Birch still remains a separate certificated company in Tennessee.

Based upon careful consideration of the record of this matter and upon a finding that the

Company has satisfied the requirements of Tenn. Comp. R. & Regs. 1220-4-1-.08, a majority of the panel voted<sup>1</sup> to approve the addition of Birch Communications as an assumed name.

**IT IS SO ORDERED.**

  
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Tre Hargett, Director

  
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Sara Kyle, Director

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\* \* \*  
Ron Jones, Director

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<sup>1</sup> Director Jones abstained from voting and asserted that Tenn. Comp. R. & Reg. 1220-4-1-.08 does not require Directors' approval for a name change, and further asserted that requiring such approval is in direct opposition to the Authority's decision in Rulemaking Docket No. 04-00072 and is contrary to the plain language of the Rule.