



2600 Maitland Center Pkwy.
Suite 300
Maitland, FL 32751
P.O. Drawer 200
Winter Park, FL
32790-0200
Tel: 407-740-8575
Fax: 407-740-0613
www.tminc.com

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T.R.A. DOCKET ROOM

August 1, 2008
Via Overnight Service

PAID T.R.A.	
Chk #	46087
Amount	\$25.00
Rcvd By	RA
Date	8/4/2008

08-00142

Ms. Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Joint Petition of Access Integrated Networks, Inc. d/b/a Birch Communications and Navigator Telecommunications, LLC for Expedited Approval of Transfer of Customer Base

Dear Ms. Dillon:

Attached please find the original and thirteen (13) copies of the above-referenced petition submitted on behalf of Access Integrated Networks, Inc. d/b/a Birch Communications and Navigator Telecommunications, LLC plus the necessary attachments. A filing fee of \$25.00 is also enclosed. Because of the nature of this transaction, expedited handling of this filing is respectfully requested.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose. Any questions you may have regarding this filing may be directed to my attention at (407) 740-3006 or via e-mail at croesel@tminc.com.

Sincerely,

Carey Roesel, Consultant to
Access Integrated Networks, Inc.
d/b/a Birch Communications

CR/gs
Enclosures

cc: Sharyl Fowler - AIN
cc: David Stotelmyer - Navigator
file: AIN - TN Local
tms: TNx0801

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Joint Petition of)	
Access Integrated Networks, Inc.)	
d/b/a Birch Communications)	TRA Docket No. _____
and Navigator Telecommunications, LLC)	
For Approval of Transfer of)	
Certain Customers)	

**JOINT PETITION OF ACCESS INTEGRATED NETWORKS, INC.
d/b/a BIRCH COMMUNICATIONS
AND NAVIGATOR TELECOMMUNICATIONS, LLC
FOR EXPEDITED APPROVAL OF
TRANSFER OF CERTAIN CUSTOMERS**

Navigator Telecommunications, LLC ("Navigator") and Access Integrated Networks, Inc. d/b/a Birch Communications ("Birch") respectfully request, pursuant to Rule 1220-4-2-.56 of the Tennessee Regulatory Authority ("TRA") Rules, the Tennessee Regulatory Authority ("TRA") to approve on an expedited basis the transfer of customers among the petitioners. Upon approval of this petition, the petitioners propose to transfer approximately 45 Navigator business customers and 48 residential customers to Birch.

Navigator was granted its Certificate of Public Convenience and Necessity to provide competing telecommunications services in Docket No. 99-00726. Navigator currently provides local exchange service in thirty-six states, including Tennessee, and long distance telephone service in forty-seven states, including Tennessee, to residential and business customers. As a result of federally mandated changes in competitive local exchange carriers' costs, Navigator has modified its business plan in Tennessee and certain other states. Following the transaction, Navigator will continue to provide service to its existing coin operated service accounts in Tennessee.

Access Integrated Networks, Inc., d/b/a Birch was granted its Certificate of Public Convenience and Necessity to provide competing telecommunications services in Docket No. 99-0064. Birch is a full service telecommunications company that also provides local exchange and long distance services to residential and small to medium sized business customers in nine states, including Tennessee, with certification pending in five additional states.

After the necessary regulatory approvals, the aforementioned customers will be served by Birch. Upon completion of the customer transfer, Birch will resolve any customer questions that may result from the transfer.

Prior to implementing these changes, notification will be sent by petitioners, using envelopes and letterhead bearing the Navigator logo, to all affected customers. This notification will advise the customers of the following: the pending change of their carrier selection to Birch; that there will be no change to the rates, terms, and conditions of the service(s) to be provided by the acquiring carrier without sufficient notices as identified herein; that there will be no charge to the customer associated with the change; that the subscriber has the right to select a different preferred carrier; a toll-free customer service telephone number for inquiries about the transfer; the fact that all subscribers receiving the notice, including those who have arranged preferred carrier freezes through their local service providers, will be transferred to the new carrier if they do not select a different preferred carrier before the transfer date; and whether the acquiring carrier will be responsible for resolving outstanding complaints against the selling or transferring carrier. The acquiring carrier agrees to provide the affected customers a thirty day written notice of any rate increase that may affect their service up to ninety days from the date of the transfer of customers and will include this information in the initial notification letter to the customer.

Petitioners respectfully request that the TRA issue an order approving the transfer pursuant to Rule 1220-4-2-.56 in order to consummate the transfer of customers. In support of this request, Petitioners provide the following information:

I. THE PETITIONERS AND PARTIES

Both Navigator and Birch are authorized to provide local and long distance services in Tennessee. These companies offer a competitive variety of local and interexchange telecommunications services. These companies are authorized to provide telecommunications and related services in other states either pursuant to certification or registration, or on an unregulated basis. These companies are also authorized by the FCC to provide interstate and international telecommunications services.

II. CONTACT INFORMATION

Correspondence or communications pertaining to this application should be directed to:

Carey Roesel
Consultant to Access Integrated Networks, Inc.
d/b/a Birch Communications
Technologies Management, Inc.
2600 Maitland Center Parkway, Suite 300
Maitland, Florida 37251
Phone: 407-740-3006
Facsimile: 407-740-0613
E-mail: croesel@tminc.com

III. REQUEST FOR APPROVAL

Pursuant to Rule 1220-4-2-.56 of the Tennessee Regulatory Authority Rules, the telecommunications provider of a customer shall not be changed without the customer's authorization. Rule 1220-4-2-.56(2)(d) provides that in the case of a transfer of a customer base between two or more telecommunications providers, the Authority, upon petition by the acquiring provider may deem that sufficient notice has been given and grant approval of the petition. The Petitioners have complied with Federal Communications Commission notice requirements for a waiver of the authorization and verification rules for implementation of the subscriber carrier selection changes provisions of the Telecommunications Act of 1996 (Attachment 1). Further, the petitioners have drafted a proposed subscriber notification letter in compliance with Federal and Tennessee law (Attachment 2).

IV. CUSTOMER IMPACT

This transaction will be made in a seamless fashion that will avoid disruption to consumers. There will be no interruption of service, other than a minor change to the non-regulated voicemail, or change in affected customers' rates, features, terms or conditions of service as a result of this transfer, and customers will be well informed of their choices.

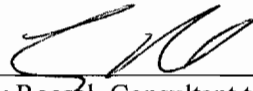
V. PUBLIC INTEREST CONSIDERATIONS

The Petitioners have determined that the proposed transaction will improve operational efficiency, and thus provide greater opportunities to improve the price and performance of services available to its customers. If prior customer authorization were to be required in this event, customers may fail to respond to a request for authorization, neglect to select another long distance carrier or lose their long distance service during the transition. Consequently, granting this Petition is consistent with the public interest by maintaining continuity of customers' services and by promoting local and interexchange competition among telecommunications carriers in Tennessee. Further, by granting this Petition, unnecessary slamming complaints will be prevented during the transition, saving Petitioners and the TRA administrative burdens.

WHEREFORE, for reason stated above, the Petitioners submit that the public interest, convenience and necessity would be furthered by a grant of this Joint Petition for Approval of Customer Base Transfer pursuant to Rule 1220-4-2-.56(2)(d).

Respectfully submitted this 31st day of July, 2008.

By: _____


Carey Roedel, Consultant to
Access Integrated Networks, Inc. d/b/a
Birch Communications

VERIFICATION

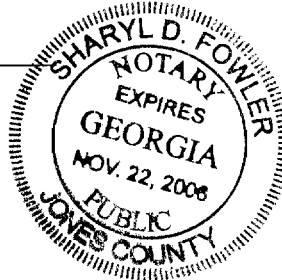
STATE OF GEORGIA
COUNTY OF BIBB

I, Vincent M. Oddo, being first duly sworn, do hereby certify, depose and state that I am President/Chief Executive Officer for Access Integrated Networks, Inc. d/b/a Birch Communications and that I am authorized to make this verification on behalf of Access Integrated Networks, Inc. d/b/a Birch Communications; that I have read the foregoing Petition; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.



Vincent M. Oddo
President/Chief Executive Officer
Access Integrated Networks, Inc. d/b/a Birch
Communications

Subscribed and sworn to before me, a Notary Public, this 29th day of July 2008

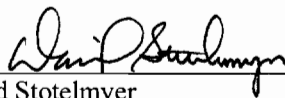

Notary Public

My Commission expires: 11/22/08

VERIFICATION

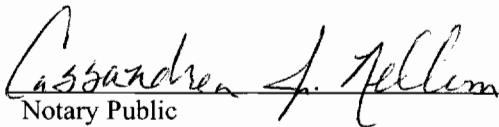
STATE OF ARKANSAS
COUNTY OF PULASKI

I, David Stotemyer, being first duly sworn, do hereby certify, depose and state that I am the Chief Financial Officer for Navigator Telecommunications, LLC, and that I am authorized to make this verification on behalf of Navigator Telecommunications, LLC; that I have read the foregoing Petition; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.



David Stotemyer
Chief Financial Officer
Navigator Telecommunications, LLC

Subscribed and sworn to before me, a Notary Public, this 29th day of July 2008


Notary Public

My Commission expires:

November 1, 2010

ACCESS INTEGRATED NETWORKS, INC. D/B/A BIRCH COMMUNICATIONS
NAVIGATOR TELECOMMUNICATIONS, LLC

Attachment 1

FCC Notification



July 25, 2008
Via Overnight Delivery

2600 Maitland Center Pkwy. Ms. Marlene H. Dortch, FCC Secretary
Suite 300 Federal Communications Commission
Maitland, FL 32751 9300 East Hampton Drive
Capitol Heights, Maryland 20743

P.O. Drawer 200

Winter Park, FL

32790-0200

Tel: 407-740-8575

Fax: 407-740-0613

www.tminc.com

Attention: Office of the Secretary

RE: CC Docket No. 00-257
Notification of Transfer of Certain Local and Long Distance Service Customers
from Navigator Telecommunications, LLC to Access Integrated Networks, Inc.
d/b/a Birch Communications

Dear Ms. Dortch:

Pursuant to CC Docket No. 00-257 and in accordance with Section 64.1120(e)(1) of the Commission's rules, the original and four copies of this notification is submitted on behalf of Access Integrated Networks, Inc., d/b/a Birch Communications ("Birch") who hereby notifies the Commission that it has entered into an agreement with Navigator Telecommunications, LLC ("Navigator"), whereby the Birch subsidiaries will generally acquire Navigator's residential and business local and long distance customers in the states of Alabama, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, New York, Pennsylvania, South Carolina, and Tennessee from Navigator. Following the transaction, these customers will be served by the Birch operating company in each state. The transfer of the customer base will take place on or after October 1, 2008.

Birch hereby certifies that it has complied with the advance subscriber notification requirements set forth in Section 64.1120(e)(3) of the Commission's rules, with the obligations specified in that notice and with Commission requirements that apply to this streamlined process. Customer notice will be mailed to approximately 8,500 affected subscribers on beginning September 1, 2008, each being sent thirty or more days in advance of the projected transfer date. A copy of the notice is enclosed as Attachment A.

Please date stamp the receipt copy and return it in the self addressed, stamped envelope provided. Questions regarding this filing may be directed to the undersigned at (407) 740-3006 or via e-mail at croesel@tminc.com.

Sincerely,


Carey Roesel

Enclosures

Cc: David Stotelmyer, Navigator
Sharyl D Fowler, Birch

ACCESS INTEGRATED NETWORKS, INC. d/b/a BIRCH COMMUNICATIONS
NAVIGATOR TELECOMMUNICATIONS, LLC

Attachment A

Customer Notice



NAVIGATOR

Telecommunications



DATE

Customers Name
Customers Address
City, State, Zipcode

Dear _____

This letter is to inform you that Access Integrated Networks, Inc. d/b/a Birch Communications (Birch) has entered into an agreement whereby Birch subsidiaries will generally acquire from Navigator Telecommunications, LLC (Navigator), subject to regulatory approval, certain Navigator phone service accounts in the state of _____ (Alabama, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, New York, Pennsylvania, South Carolina, Tennessee – LETTERS WILL BE STATE SPECIFIC) on or after _____ (state specific). As a result of this agreement, Birch will assume responsibility for all services previously provided to you by Navigator. Birch is excited about the opportunity to provide your phone service and looks forward to a long and successful business relationship.

Please rest assured, the transition will have little or no impact on your current services, nor will there be any interruption of your service. The agreement between Birch and Navigator has been structured so that the transfer of service will be an almost seamless transition with only a minor change to your voicemail service. You will retain you rates, features, terms and conditions of service and phone number. You will not incur any charges for the transfer of services to Birch, and little or no action is required from you regarding this changeover. You do have the right to select a different carrier for the telecommunication service(s) at issue. *If you do not wish to receive service from Birch, you should select another carrier and contact that carrier directly to transfer your service by _____.* If you choose to seek an alternative carrier for services, you may incur a fee for transfer of services. In addition, should you have a term commitment with Navigator and you disconnect services prior to the end of that term, you will be liable for early termination charges. Please note that if you are a customer of Navigator on the date of the transfer, your account will automatically be transferred to Birch.

You will receive your first billing statement from Birch starting with your _____ or _____ bill. Any balances owed for services provided prior to your first bill from Birch will remain payable to Navigator. All terms, conditions, and pricing of your service will stay the same and will not be affected by the transaction.

Please note that any local service preferred carrier "freeze" you have placed on your existing telephone lines to prevent unauthorized transfer to another local carrier will be over-ridden for purposes of this transaction and will need to be reinstated by you after the transfer is complete.

If you have any questions or complaints about this transaction prior to _____, you may contact Navigator Telecommunications, LLC at _____. After _____, you should contact Birch Communications at _____ (state specific customer service number) for any questions pertaining to service and billing.

About Access Integrated Networks, Inc. d/b/a Birch Communications

Headquartered in Atlanta GA, Birch Communications is one of the largest competitive local exchange carriers in the 31-state southeast, southwest and midwest regions serving small and medium business customers. Birch was the first in its class to deploy its own private IP network utilizing soft switch technology to deliver innovative, high quality, affordable voice and broadband communications services to small and medium business customers.

Birch looks forward to continuing to provide you with quality service for many years to come.

Sincerely,

Navigator Telecommunications, LLC and
Access Integrated Networks, Inc. d/b/a Birch
Communication

**ACCESS INTEGRATED NETWORKS, INC. D/B/A BIRCH COMMUNICATIONS
NAVIGATOR TELECOMMUNICATIONS, LLC**

Attachment 2

Proposed Tennessee Customer Notice



DATE

Customers Name
Customers Address
City, State, Zipcode

Dear _____

This letter is to inform you that Access Integrated Networks, Inc. d/b/a Birch Communications (Birch) has entered into an agreement whereby Birch subsidiaries will generally acquire from Navigator Telecommunications, LLC (Navigator), subject to regulatory approval, certain Navigator phone service accounts in the state of Tennessee on or after October 1, 2008. As a result of this agreement, Birch will assume responsibility for all services previously provided to you by Navigator. Birch is excited about the opportunity to provide your phone service and looks forward to a long and successful business relationship.

Please rest assured, the transition will have little or no impact on your current services, nor will there be any interruption of your service. The agreement between Birch and Navigator has been structured so that the transfer of service will be an almost seamless transition with only a minor change to your voicemail service. You will retain your rates, features, terms and conditions of service and phone number. You will not incur any charges for the transfer of services to Birch, and little or no action is required from you regarding this changeover. You do have the right to select a different carrier for the telecommunication service(s) at issue. *If you do not wish to receive service from Birch, you should select another carrier and contact that carrier directly to transfer your service by September 20, 2008.* If you choose to seek an alternative carrier for services, you may incur a fee for transfer of services. In addition, should you have a term commitment with Navigator and you disconnect services prior to the end of that term, you will be liable for early termination charges. Please note that if you are a customer of Navigator on the date of the transfer, your account will automatically be transferred to Birch.

You will receive your first billing statement from Birch starting with your October or November bill. Any balances owed for services provided prior to your first bill from Birch will remain payable to Navigator. All terms, conditions, and pricing of your service will stay the same and will not be affected by the transaction.

Please note that any local service preferred carrier "freeze" you have placed on your existing telephone lines to prevent unauthorized transfer to another local carrier will be over-ridden for purposes of this transaction and will need to be reinstated by you after the transfer is complete.

If you have any questions or complaints about this transaction prior to October 1, 2008 you may contact Navigator Telecommunications, LLC at 1-877-628-0035 for business customers and 1-877-762-8835 for residential customers. After October 1, 2008 you should contact Birch Communications at 1-877-275-0777 for any questions pertaining to service and billing.

About Access Integrated Networks, Inc. d/b/a Birch Communications

Headquartered in Atlanta GA, Birch Communications is one of the largest competitive local exchange carriers in the 31-state southeast, southwest and midwest regions serving small and medium business customers. Birch was the first in its class to deploy its own private IP network utilizing soft switch technology to deliver innovative, high quality, affordable voice and broadband communications services to small and medium business customers.

Birch looks forward to continuing to provide you with quality service for many years to come.

Sincerely,

Navigator Telecommunications, LLC and
Access Integrated Networks, Inc. d/b/a Birch Communications

ACCESS INTEGRATED NETWORKS, INC. D/B/A BIRCH COMMUNICATIONS

Attachment 3

Certification Order

Secretary of State Authority

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

December 3, 1999

IN RE:)
)
APPLICATION OF ACCESS INTEGRATED) DOCKET NO. 99-00644
NETWORKS, INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AS A COMPETING)
TELECOMMUNICATIONS SERVICE PROVIDER)

ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

On November 30, 1999, this matter came before the Tennessee Regulatory Authority ("Authority") upon the Application of Access Integrated Networks, Inc. for a Certificate of Public Convenience and Necessity as a Competing Telecommunications Service Provider ("Application") to offer a broad variety of telecommunications services within the State of Tennessee. The Application was made pursuant to Tenn. Code Ann. § 65-4-201 *et seq.*

LEGAL STANDARD FOR GRANTING CCN

The Application of Access Integrated Networks, Inc. ("AIN") was considered in light of the criteria for granting a certificate of public convenience and necessity ("CCN") as set forth in applicable statutes. Tenn. Code Ann. § 65-4-201 provides, in part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or

FILE

TN Joint Petition for Authority to Transfer Customers
Access Integrated networks, Inc. d/b/a
Birch Communications and
Navigator Telecommunications, LLC

the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

* * *

(c) After notice to the incumbent local exchange telephone company and other interested parties and following a hearing, the authority shall grant a certificate of convenience and necessity to a competing telecommunications service provider if after examining the evidence presented, the authority finds:

(1) The applicant has demonstrated that it will adhere to all applicable commission policies, rules and orders; and

(2) The applicant possesses sufficient managerial, financial, and technical abilities to provide the applied for services.

An authority order, including appropriate findings of fact and conclusions of law, denying or approving, with or without modification, an application for certification of a competing telecommunications service provider shall be entered no more than sixty (60) days from the filing of the application.

(d) Subsection (c) is not applicable to areas served by an incumbent local exchange telephone company with fewer than 100,000 total access lines in this state unless such company voluntarily enters into an interconnection agreement with a competing telecommunications service provider or unless such incumbent local exchange telephone company applies for a certificate to provide telecommunications services in an area outside its service area existing on June 6, 1995.

Furthermore, pursuant to Tenn. Code Ann. § 65-5-212, competing telecommunications providers are required to file with the Authority (1) a plan containing the provider's plan for purchasing goods and services from small and minority-owned telecommunications businesses; and (2) information on programs that might provide technical assistance to such businesses.

INTERVENORS

Public notice of the hearing in this matter was made by the Authority's Executive Secretary, pursuant to Tenn. Code Ann. § 65-4-204. No interested persons sought intervention prior to or during the hearing.

AIN'S HEARING

AIN's Application was uncontested. At the hearing held on November 30, 1999, AIN was represented by Mr. Michael Bressman of Boulton, Cummings, Connors & Berry, PLC, 414 Union Street, Suite 1600, Post Office Box 198062, Nashville, Tennessee 37219. In addition, Mr. William T. Wright, AIN's President and Chief Executive Officer, presented testimony and was subject to examination by the Authority's Directors. Upon AIN's conclusion of proof in its case, the Authority granted AIN's Application based upon the following findings of fact and conclusions of law:

I. APPLICANT'S QUALIFICATIONS

1. AIN is a corporation organized under the laws of the State of Georgia on May 28, 1996 and was qualified to transact business in Tennessee on April 7, 1999.

2. The complete street address of AIN's principal place of business is 121 North Crest Boulevard, Macon, Georgia 31210. The phone number is (912) 475-9800 and fax number is (912) 475-9988. AIN's counsel is Michael Bressman, Boulton, Cummings, Connors & Berry, PLC, 414 Union Street, Suite 1600, Post Office Box 198062, Nashville, Tennessee 37219.

3. The Application and supporting documentary information existing in the record indicate that AIN has the requisite technical and managerial ability to provide telecommunications services within the State of Tennessee on a facilities-based and resale basis. Specifically, AIN's management has extensive expertise in the telecommunications industry, including numerous years of experience with an incumbent local exchange carrier, and has made arrangements for the technical support to provide its telecommunications services. In addition, AIN is currently authorized to provide telecommunications services in Alabama, Florida, Georgia, Kentucky and South Carolina.

4. AIN has the necessary capital and financial ability to provide the services it proposes to offer.

5. AIN has represented that it will adhere to all applicable policies, rules and orders of the Authority.

II. PROPOSED SERVICES

1. AIN intends to offer a full array of telecommunications services throughout the State of Tennessee on a facilities-based and resale basis. Specifically, AIN intends to provide a full range of interexchange (including interLATA and intraLATA), exchange access, special access, and local exchange telecommunications services, including prepaid services. AIN's target market for its services will be primarily small and medium-sized business users.

2. Except as may be authorized by law, AIN does not intend to serve any areas currently being served by an incumbent local telephone company with fewer than 100,000 total access lines where local exchange competition is prohibited pursuant to Tenn. Code Ann. § 65-4-201(d).

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Upon a review of the Application and the record in this matter, the Authority finds that approval of AIN's application would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets in the State and by fostering the development of an efficient technologically advanced statewide system of telecommunications services.

IV. SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN & BUSINESS ASSISTANCE PROGRAM

1. AIN has filed a satisfactory small and minority-owned telecommunications business participation plan, pursuant to Tenn. Code Ann. § 65-5-212 and the Authority's Rules.

2. AIN has acknowledged its obligation to contribute to the funding of the small and minority-owned telecommunications business assistance program, as set forth in Tenn. Code Ann. § 65-5-213.

IT IS THEREFORE ORDERED THAT:

1. The Application of Access Integrated Networks, Inc. for a Certificate of Public Convenience and Necessity is approved;

2. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order; and

3. Any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.


Melvin J. Malone, Chairman


K. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary

Secretary of State
Division of Business Services
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243

DATE: 03/13/08
REQUEST NUMBER: 6244-1506
TELEPHONE CONTACT: (615) 741-2286
FILE DATE/TIME: 03/13/08 1236
EFFECTIVE DATE/TIME:
CONTROL NUMBER: 0368854

TO:
ACCESS INTEGRATED NETWORKS, INC.
4885 RIVERSIDE DRIVE
SUITE 304
MACON, GA 31210

RE:
BIRCH COMMUNICATIONS OF THE SOUTHEAST
APPLICATION FOR REGISTRATION OF ASSUMED CORPORATE
NAME

THIS WILL ACKNOWLEDGE THE FILING OF THE ATTACHED ASSUMED NAME
REGISTRATION FOR A FIVE YEAR PERIOD BEGINNING WITH AN EFFECTIVE DATE AS
INDICATED ABOVE.

THE CORPORATION MAY RENEW THE RIGHT TO USE THIS NAME WITHIN TWO
(2) MONTHS PRECEDING THE EXPIRATION OF SUCH RIGHT, FOR A PERIOD OF FIVE (5)
YEARS, BY FILING AN APPLICATION WITH THE SECRETARY OF STATE.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR
FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE.

FOR: APPLICATION FOR REGISTRATION OF ASSUMED CORPORATE ON DATE: 03/13/08
NAME

FROM:
ACCESS INTEGRATED NETWORKS
4885 RIVERSIDE DRIVE

MACON, GA 31210-0000

	FEES	
RECEIVED:	\$20.00	\$0.00
TOTAL PAYMENT RECEIVED:	\$20.00	

RECEIPT NUMBER: 00004351304
ACCOUNT NUMBER: 00567408



SS-4458

Riley C. Darnell

RILEY C. DARNELL
SECRETARY OF STATE

FILED

RECEIVED
STATE OF TENNESSEE

For Office Use Only
2009 MAR 13 PM 12: 86

RILEY DARNELL
SECRETARY OF STATE

State of Tennessee



Department of State
Corporate Filings
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

APPLICATION FOR
REGISTRATION OF
ASSUMED CORPORATE
NAME

Pursuant to the provisions of Section 48-14-101(d) of the Tennessee Business Corporation Act or Section 48-54-101(d) of the Tennessee Nonprofit Corporation Act, the undersigned corporation hereby submits this application:

1. The true name of the corporation is Access Integrated Networks, Inc.
2. The state or country of incorporation is Georgia
3. The corporation intends to transact business in Tennessee under an assumed corporate name.
4. The assumed corporate name the corporation proposes to use is
Birch Communications of the Southeast

[NOTE: The assumed corporate name must meet the requirements of Section 48-14-101 of the Tennessee Business Corporation Act or Section 48-54-101 of the Tennessee Nonprofit Corporation Act.]

<u>3-4-08</u> Signature Date	<u>Access Integrated Networks, Inc.</u> Name of Corporation
<u>President/CEO</u> Signer's Capacity	<u>[Signature]</u> Signature
	<u>Vincent M. Oddo</u> Name (typed or printed)

SS-4402 (Rev. 4/01)

Filing Fee: \$20

RDA1720

6244.1586

0368854

TN Joint Petition for Authority to Transfer Customers
Access Integrated networks, Inc. d/b/a
Birch Communications and
Navigator Telecommunications, LLC

March 12, 2008
Via Overnight Delivery

State of Tennessee
Department of State
Corporate Filings
312 Eighth Avenue North
6th Floor
William Snodgrass Tower
Nashville, TN 37243

RE: Access Integrated Networks, Inc. and Birch Telecom of the South, Inc. dba
Birch Communications
TN – Application for Registration of Assumed Corporate Name

6244.1587

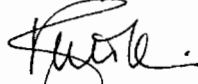
Dear Sir or Madam:

Enclosed please find the TN – Application for Registration of Assumed Corporate Name, filed on behalf of Access Integrated Networks, Inc. and Birch Telecom of the South, Inc. dba Birch Communications. A check in the amount of \$40.00 is enclosed to cover the remittance fees due.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose.

Questions regarding this filing should be directed to my attention at 407-740-8575. Thank you for your assistance in this matter.

Sincerely,



Phyllis Miller
Assistant Manager - Compliance Reporting

cc: Sharyl Fowler – AIN
file: Access Integrated Networks, Inc. – SOS – TN

*TN Joint Petition for Authority to Transfer Customers
Access Integrated networks, Inc. d/b/a
Birch Communications and
Navigator Telecommunications, LLC*

NAVIGATOR TELECOMMUNICATIONS, LLC

Attachment 4

Certification Order

Secretary of State Authority

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

FEBRUARY 22, 2000

IN RE:)
)
APPLICATION OF NAVIGATOR) **DOCKET NO. 99-00726**
TELECOMMUNICATIONS, L.L.C. FOR A)
CERTIFICATE TO PROVIDE COMPETING)
LOCAL TELECOMMUNICATIONS SERVICES)

**ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

On January 26, 2000, this matter came before the Tennessee Regulatory Authority ("Authority") upon the Application of Navigator Telecommunications, L.L.C. ("Navigator") for a Certificate of Public Convenience and Necessity to Provide Competing Local Telecommunications Services (the "Application"). The Application was made pursuant to Tenn. Code Ann. § 65-4-201 *et seq.*

LEGAL STANDARD FOR GRANTING CCN

Navigator's Application was considered in light of the criteria for granting a certificate of public convenience and necessity ("CCN") as set forth in applicable statutes. Tenn. Code Ann. § 65-4-201 provides, in part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or

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the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

* * *

(c) After notice to the incumbent local exchange telephone company and other interested parties and following a hearing, the authority shall grant a certificate of convenience and necessity to a competing telecommunications service provider if after examining the evidence presented, the authority finds:

(1) The applicant has demonstrated that it will adhere to all applicable commission policies, rules and orders; and

(2) The applicant possesses sufficient managerial, financial, and technical abilities to provide the applied for services.

An authority order, including appropriate findings of fact and conclusions of law, denying or approving, with or without modification, an application for certification of a competing telecommunications service provider shall be entered no more than sixty (60) days from the filing of the application.

(d) Subsection (c) is not applicable to areas served by an incumbent local exchange telephone company with fewer than 100,000 total access lines in this state unless such company voluntarily enters into an interconnection agreement with a competing telecommunications service provider or unless such incumbent local exchange telephone company applies for a certificate to provide telecommunications services in an area outside its service area existing on June 6, 1995.

In addition, pursuant to Tenn. Code Ann. § 65-5-212, competing telecommunications providers are required to file with the Authority (1) a plan containing the provider's plan for purchasing goods and services from small and minority-owned telecommunications businesses; and (2) information on programs that might provide technical assistance to such businesses.

INTERVENORS

Public notice of the hearing in this matter was made by the Authority's Executive Secretary, pursuant to Tenn. Code Ann. § 65-4-204. No interested persons sought intervention prior to hearing.

NAVIGATOR'S HEARING

Navigator's Application was uncontested. At the hearing held on January 26, 2000, Navigator was represented by Louis F. McAlister, Jr., President and CEO of Navigator. Mr. McAlister presented testimony and was subject to examination by the Authority's Directors. Upon Navigator's conclusion of the proof in its case, the Authority granted Navigator's Application based upon the following findings of fact and conclusions of law:

I. APPLICANT'S QUALIFICATIONS

1. Navigator is incorporated under the laws of the State of Arkansas and received its Certificate of Authority to transact business in the State of Tennessee on February 10, 1999.

2. The street address of Navigator's principal place of business is 212 Center Street, Suite 500, P. O. Box 8004, Little Rock, Arkansas 72201. The phone number is (501) 301-1600 and fax number is (501) 301-1602. Michael McAlister is Navigator's General Counsel and Director of Regulatory Affairs.

3. The Application and supporting documentary information existing in the record indicate that Navigator has the requisite technical and managerial qualifications necessary to provide facilities-based and resold local exchange, exchange access and interexchange telecommunication services throughout the State of Tennessee. Specifically, Navigator's management and technical teams have extensive expertise in the information, computing and telecommunications industries.

4. Navigator has the necessary capital and financial capability to provide the services it proposes to offer.

5. Navigator has represented that it will adhere to all applicable policies, rules and orders of the Authority.

II. PROPOSED SERVICES

1. Navigator proposes to offer a full array of local exchange services to residential and business customers, including Business and Residential Exchange Line Services, Private Branch Exchange Service, Direct Inward Dial Service, Operated-assisted Services, Directory Assistance, and Optional Features (Call Waiting, Call Forwarding, Three-way Calling, Speed Dialing, etc.). Navigator proposes to provide services throughout the State of Tennessee in areas currently served by BellSouth and Sprint/United which are open to competition.

2. Except as may be authorized by law, Navigator does not intend to serve any areas currently being served by an incumbent local telephone company with fewer than 100,000 total access lines where local exchange competition is prohibited pursuant to Tenn. Code Ann. § 65-4-201(d).

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Upon a review of the Application and the record in this matter, the Authority finds that approval of Navigator's application would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets within the State and by fostering the development of an efficient technologically advanced statewide system of telecommunications services.

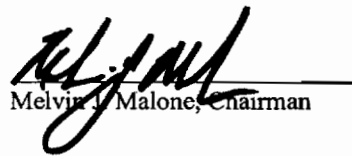
IV. SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN & BUSINESS ASSISTANCE PROGRAM

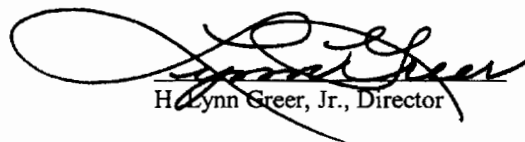
1. Pursuant to Tenn. Code Ann. § 65-5-212 and the Authority's Rules, Navigator has filed a satisfactory small and minority-owned telecommunications business participation plan.

2. Navigator has acknowledged its obligation to contribute to the funding of the small and minority-owned telecommunications business assistance program, as set forth in Tenn. Code Ann. § 65-5-213.

IT IS THEREFORE ORDERED THAT:

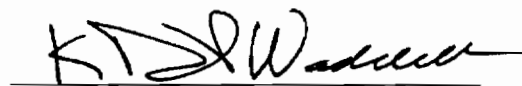
1. The Application of Navigator as applied for is approved;
2. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order;
and
3. Any party aggrieved with the Authority's decision in this matter has the right of judicial review of filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary



Secretary of State Business Information Search

Secretary of State Web Site

Instructions

Name	I.D. Number
NAVIGATOR TELECOMMUNICATIONS, LLC.	0365613
Business Type*:	LIMITED LIABILITY COMPANY
Profit/Nonprofit:	FOR PROFIT
Status*:	ACTIVE
Date of Formation/Qualification:	02/10/1999
Domestic/Foreign:	FOREIGN
Place of Incorporation/Organization:	AR
Duration:	PERPETUAL
FYC(Fiscal Year Closing) Month:	DECEMBER

Principal Office:

Address Line 1: 8525 RIVERWOOD PARK
Address Line 2: DRIVE
City: N LITTLE ROCK
State: AR
Zip: 721130860
Other than USA:

Registered Agent:

Name: C T CORPORATION SYSTEM
Address Line 1: 800 S. GAY STREET
Address Line 2: SUITE 2021
City: KNOXVILLE
State: TN
Zip: 379299710

Business Filing History

* Important Note: Business filing History includes information about (1) the basis for an inactive status and (2) the current true name and filing status of a business with an assumed name or a changed status.

Note: This information is current as of three working days prior to today's date.



[Report a Technical Issue](#)

TN Joint Petition for Authority to Transfer Cust

Access Integrated networks, Inc. d/b/a
Birch Communications and
Navigator Telecommunications, LLC