



August 29, 2008
Via Overnight and Electronic Delivery

Electronically filed 8/29/08

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Ms. Sharla Dillon,
Docket Room Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37423-0505

RE: Responses to Data Request No. 1
Docket 08-00142: 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:

Please find enclosed the original and (4) copies of the responses of Access Integrated Networks, Inc. d/b/a Birch Communications and Navigator Telecommunications, LLC to your Data Request No. 1, dated August 11, 2008. This filing has also been sent electronically.

If you have any questions or need further information, please contact me at 407-740-3006, via facsimile at 407-740-0613 or via email at croesel@tminc.com.

Sincerely,

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

cc: Sharyl Fowler - AIN
David Stotemyer - Navigator
file: AIN - TN
tms: TNx0801a

**JOINT PETITION OF ACCESS INTEGRATED NETWORKS, INC. d/b/a BIRCH
COMMUNICATIONS and NAVIGATOR TELECOMMUNICATIONS, LLC FOR
EXPEDITED APPROVAL OF TRANSFER OF CUSTOMER BASE**

**Responses of Access Integrated Networks, Inc. d/b/a Birch Communications and Navigator
Telecommunications, LLC
To
Tennessee Regulatory Authority Data Request No. 1**

Request

- 1. Have the Petitioners filed similar petitions or notices in other states? If so, provide a listing of states and action taken.*

Response

Yes. The Petitioners have filed or will file similar petitions or notices in the following states:

Alabama	Post Notification Letter to be filed upon completion of customer base transfer.
Arkansas	Notification Letter to be filed by September 1, 2008
California	Petition to be filed by August 20, 2008
Florida	Petition filed on August 4, 2008
Georgia	Petition filed on August 5, 2008
Indiana	Petition form to be filed by September 1, 2008
Kansas	Petition filed on August 12, 2008
Kentucky	Petition filed on August 4, 2008
Louisiana	Petition filed on August 4, 2008
Mississippi	Petition filed on August 12, 2008
Missouri	Petition to be filed August 18, 2008
North Carolina	Petition filed on August 4, 2008
New York	Petition to be filed August 18, 2008
Ohio	Petition to be filed by September 1, 2008

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Telecommunications, LLC**

To

Tennessee Regulatory Authority Data Request No. 1

Continued Response

Request 1.

Oklahoma	Petition filed on August 13, 2008
South Carolina	Petition filed on August 6, 2008
Texas	Notification Letter filed on August 12, 2008
Wisconsin	Notification Letter to be filed by September 1, 2008

Request

2. *Have the Petitioners filed a similar application with the FCC? If so, list any action taken and the associated docket number. If a schedule to complete the review of your application has been established by any federal agency, provide such with your response.*

Response

Yes. Petitioners filed a Combined Petition for Transfer of Control with the FCC Domestic Bureau on July 25, 2008 as is reflected in Docket No. WC-08-158. Petitioners also filed a Slamming Waiver Notification Letter on July 24, 2008 as well as Petitions for Transfer of Control with the FCC International Bureau on July 24, 2008. Public Notice of these petitions was posted on August 14, 2008. Approval for the domestic filing will be effective automatically on the 31st day following Public Notice. Approval for the international filing will be effective automatically on the 15th day following Public Notice.

Request

3. *Provide the number of customers that Navigator Telecommunications, LLC services in Tennessee.*

Response

Prior to the partial customer base transfer requested in this Petition. Navigator Telecommunications, LLC provided service to a total of 139 customers in the state of TN.

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**Responses of Access Integrated Networks, Inc. d/b/a Birch Communications and Navigator
Telecommunications, LLC
To
Tennessee Regulatory Authority Data Request No. 1**

Continued

Request

4. *Provide a customer notification letter that includes language reflecting TRA Rule 1220-4-2-.56(2)(d)(4).*

Response

Pursuant to this request, Petitioners have amended the customer notification letter originally submitted with the Petition and are enclosing as Exhibit 1. Please note that the requested language addition was placed in Paragraph 2 of the letter.

**JOINT PETITION OF ACCESS INTEGRATED NETWORKS, INC. d/b/a BIRCH
COMMUNICATIONS and NAVIGATOR TELECOMMUNICATIONS, LLC FOR
EXPEDITED APPROVAL OF TRANSFER OF CUSTOMER BASE**

**Responses of Access Integrated Networks, Inc. d/b/a Birch Communications and Navigator
Telecommunications, LLC
To
Tennessee Regulatory Authority Data Request No. 1**

EXHIBIT 1

Amended Customer Notification Letter



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 _____. 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 will be provided a thirty (30) day written notice of any rate increase that may affect your service within the first ninety (90) days of service with Birch as is required by TRA Rule 1220-4-2-.56(2)(d)(4). 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 Communications