

# TENNESSEE REGULATORY AUTHORITY

June 22, 2009

Carey Roesel  
Technologies Management, Inc.  
2600 Maitland Center Parkway, Suite 300  
Maitland, FL 32751



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T.R.A. DOCKET ROOM

460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

RE: Docket 09-00074: Joint Petition of Birch Telecom of the South, Inc. d/b/a Birch Communications of the Southeast and IDS and NOW Communications, Inc. for Expedited Approval of Transfer of Customer Base

Dear Mr. Roesel:

In order to fully analyze the above-referenced *Joint Petition*, the Tennessee Regulatory Authority ("TRA" or "Authority") requires additional information. Please provide the information requested below by June 29, 2009 and refer to this correspondence as Data Request No. 1 in the response.

1. Have the Petitioners already mailed notification letters to affected customers? If so, on what date? On what date do the Petitioners propose to perform the customer transfer.
2. Provide a customer notification letter that includes language consistent with TRA Rule 1220-4-2-.56(2)(d)(4) concerning notification of price increases after a customer transfer.
3. Provide a copy of the agreement governing the transfer of customers to Birch Communications from IDS and NOW Communications. Apart from the transfer of customers, will other assets be transferred to Birch from IDS and NOW Communications?
4. Explain the differences in the proposed customer notification letters provided in Attachment 2 of the *Joint Petition*?

If you have any questions or need further assistance, please call Carlos Black at 615-741-2904, ext. 196 or e-mail him at [Carlos.Black@tn.gov](mailto:Carlos.Black@tn.gov). Please respond by sending the original and 13 copies either by U.S. Mail or express mail. Alternatively, you may send the original and four (4) copies along with an electronic file to:

Ms. Sharla Dillon, Docket Room Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505  
[Sharla.Dillon@tn.gov](mailto:Sharla.Dillon@tn.gov)

Sincerely,

Jerry Kettles, Chief  
Economic Analysis & Policy Division