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July 2, 2009
Via Overnight Service

RECEIVED

2009 JUL 10 AM 8:44

T.R.A. DOCKET ROOM

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

09-00074

RE: Additional Supplemental Information for Joint Petition of Birch Telecom of the South, Inc. d/b/a Birch Communications of the Southeast and IDS Telcom Corp. and Now Communications, Inc. for Expedited Approval of Transfer of Customer Base

Dear Ms. Dillon:

Attached please find the original and four (4) copies of additional supplemental information for the above-referenced petition submitted on behalf of Birch Telecom of the South, Inc. d/b/a Birch Communications of the Southeast and IDS Telcom Corp. and Now Communications, Inc. The information is being filed in response to questions raised by Carlos Black of TN Staff.

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
Birch Telecom of the South, Inc. d/b/a Birch Communications

Enclosures

cc: Sharyl Fowler - Birch
cc: Randall P. Muench - Cleartel, NOW, IDS
file: Birch - TN Local
tms: TNx0901d

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JUL 06 2009

TN REGULATORY AUTHORITY
UTILITIES DIVISION

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Joint Petition of)
Birch Telecom of the South, Inc.)
d/b/a Birch Communications of the Southeast) TRA Docket No. 09-00074
and)
IDS Telcom Corp. and)
Now Communications, Inc.)
For Approval of a Customer Base Transfer)

**ADDITIONAL SUPPLEMENTAL INFORMATION IN CONNECTION WITH THE
JOINT PETITION OF BIRCH TELECOM OF THE SOUTH, INC.
d/b/a BIRCH COMMUNICATIONS
AND
IDS TELCOM CORP.
NOW COMMUNICATIONS, INC.
FOR EXPEDITED APPROVAL OF
A CUSTOMER BASE TRANSFER**

In response to additional questions raised by Carlos Black, the above-referenced companies offer the attached supplemental information.

- 1) The petitioners have not mailed notification letters. These will be submitted after TN Staff approves them.
- 2) Attachment 1 provides the revised notices consistent with TRA Rule 1220-4-2-.56(2)(d)(4).
- 3) Attachment 2 provides, under seal, the Asset Purchase Agreement. There are no assets involved in the transaction other than customers.
- 4) One notice is designed for customers who will experience no rate or rate structure changes, and the second is designed for customers who will see a change in rate structure (e.g., conversion from measured/message rate to flat rate).

*TN Joint Petition of
Birch Telecom of the South, Inc.
d/b/a Birch Communications
and
IDS Telcom Corp.
Now Communications, Inc.
For Approval of a Customer Based Transfer*

**Joint Petition of
Birch Telecom of the South, Inc.
d/b/a Birch Communications of the Southeast
&
IDS Telcom Corp.
Now Communications, Inc.**

Attachment 1

Revised Customer Notices

*TN Joint Petition of
Birch Telecom of the South, Inc.
d/b/a Birch Communications
and
IDS Telcom Corp.
Now Communications, Inc.
For Approval of a Customer Based Transfer*



DATE

Customers Name
Customers Address
City, State, Zipcode

IMPORTANT NOTICE REGARDING A CHANGE IN YOUR TELECOMMUNICATIONS SERVICES

Dear _____

Birch Communications (Birch) and Cleartel Communications, Inc. (CCI) are pleased to announce that Birch will acquire the business, residential and payphone customers of CCI and its subsidiaries, including Cleartel Telecommunications, Inc. (CTI), IDS Telcom Corp. (IDS), nii communications, ltd. (nii), Now Communications, Inc. (NOW), Supra Telecommunications and Information Systems, Inc. (Supra), and Telecon Communications Corporation (Telecon). Subject to approval by the Federal Communications Commission and state regulators, Birch will replace CCI, CTI, IDS, nii, NOW, Supra, or Telecon (collectively, Cleartel) as your current telecommunications service provider on or after **[30-45 DAYS]** (the Transfer Date). As a result of this transaction, Birch will assume responsibility for all services previously provided to you by Cleartel. 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 CCI has been structured so that the transfer of service will be an almost seamless transition with only a minor change to voicemail service. There may be instances, however, where there are service or rate structure dissimilarities that Birch cannot accommodate with its existing systems (e.g., customers currently utilizing a message or measured local service plan). In those cases, Birch will transition you in as neutral a manner as is reasonably possible with *no increase to your regular monthly recurring charges*. You will retain all other service rates, features, terms and conditions of service and your telephone phone number. You will not incur any charges for the transfer of services to Birch and **no action is required from you to continue your telecommunications service(s) with Birch**. You will receive your first billing statement from Birch starting with your _____ or _____ bill. Birch is required to advise you that if Birch changes any rates within ninety (90) days following the transfer of your service, Birch will provide you with a notice of the rate change thirty (30) days prior to the change date.

You do have the right to select a different carrier for the telecommunication service(s) at issue. If you choose to switch to an alternate carrier for services, you may incur a fee for the transfer of services to that alternate carrier. In addition, should you have a term commitment with Cleartel and you disconnect services or transfer to another carrier prior to the end of that term, you will be liable for early termination charges. Please note that if you are a customer of Cleartel on the Transfer Date, your account will automatically be transferred to Birch.

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

If you have any questions about this transaction or your service or billing prior to the actual Transfer Date, you should contact the appropriate Cleartel entity at:

Cleartel:	888-389-1400	Supra:	800-412-1234	IDS:	888-389-1400
nii:	866-388-6500	NOW:	888-565-1011	Payphone Customers:	866-660-5994

If you have any questions regarding this transaction or your service or billing after the actual Transfer Date, you should contact Birch at **888-275-0777** or **888-772-4724. (will be state specific)**

About Birch Communications

Headquartered in Atlanta GA, Birch Communications is one of the largest competitive local exchange carriers in its 31-state southeast, southwest, midwest and northeast regions serving residential and 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.

Cleartel thanks you for your business and Birch looks forward to continuing to provide you with quality service for many years to come.

Sincerely,

Cleartel Communications and
Birch Communications



DATE _____

Customers Name
Customers Address
City, State, Zipcode

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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 CCI has been structured so that the transfer of service will be an almost seamless transition with only a minor change to voicemail services. You will retain all service rates, features, terms and conditions of service and your telephone phone number. You will not incur any charges for the transfer of services to Birch and **no action is required from you to continue your telecommunication service(s) with Birch.** You will receive your first billing statement from Birch starting with your _____ or _____ bill. Birch is required to advise you that if Birch changes any rates within ninety (90) days following the transfer of your service, Birch will provide you with a notice of the rate change thirty (30) days prior to the change date.

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Sincerely,

Cleartel Communications and
Birch Communications

**Joint Petition of
Birch Telecom of the South, Inc.
d/b/a Birch Communications of the Southeast
&
IDS Telecom Corp.
Now Communications, Inc.**

Attachment 2

Asset Purchase Agreement

Provided under Seal – Not for Public Disclosure

*TN Joint Petition of
Birch Telecom of the South, Inc.
d/b/a Birch Communications
and
IDS Telecom Corp.
Now Communications, Inc.
For Approval of a Customer Based Transfer*