



July 21, 2009

Via Overnight Service & E-mail

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

**RE: DN 09-00074: Joint Petition of Birch Telecom of the South, Inc. d/b/a Birch Communications of the Southeast and IDS Telecom Corp. and Now Communications, Inc. for Expedited Approval of Transfer of Customer Base
Request for Waiver of Rule 1220-4-2-.56(2)(d)2**

Dear Ms. Dillon:

Attached please find this original plus four (4) copies of a request for waiver of Rule 1220-4-2-.56(2)(d)2 requiring prior approval of the notification to customers of the transfer of their service from IDS Telecom Corp. and Now Communications, Inc. to Birch Telecom of the South, Inc. d/b/a Birch Communications of the Southeast, submitted on behalf of Birch in the above referenced proceeding. The following information is provided in support of this request:

- By agreement between the companies, the closing date is to be no later than August 25, 2009. Failure to do so will seriously jeopardize the complex schedule attendant upon such transactions.
- In order for customers to have the required 30 days' notice of the change in carrier, notifications must be mailed out no later than July 23, 2009.
- The next scheduled conference date is after July 23, 2009.
- Therefore, it is impossible to obtain prior approval without simultaneously jeopardizing the closing of the transaction.

Birch respectfully submits that these reasons constitute good cause shown and requests that the above referenced rule be waived for purposes of this transaction.

In addition, it is requested that the original petition be amended to include a request for approval under §65-4-112.

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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) 740-3004 or via e-mail at rnorton@tminc.com.

Sincerely,

A handwritten signature in black ink that reads "Robin Norton". The signature is written in a cursive style with a long horizontal line extending from the left side of the first letter.

Robin Norton,
Consultant to Birch

cc: Sharyl Fowler - Birch
cc: Randall P. Muench – Cleartel, NOW, IDS
file: Birch - TN Local
tms: TNx0901e