

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

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Application for Approval of Birch)
Communications, Inc., Birch Telecom of the)
South, Inc. dba Birch Communications, and)
Birch Communications Holdings, Inc. for)
Approval of a *Pro Forma* Internal)
Reorganization)

T.R.A. DOCKET ROOM

Docket No. _____

REQUEST FOR CONFIDENTIAL TREATMENT

Birch Telecom of the South, Inc. dba Birch Communications (“Birch Telecom”), Birch Communications, Inc. (“Birch”), and Birch Communications Holdings, Inc. (“Birch Holdings”) (collectively, the “Applicants”) hereby respectfully request that the Tennessee Regulatory Authority (“Authority”) grant protection from public disclosure and afford confidential treatment to the **CONFIDENTIAL** version of their Application for Approval of a *Pro Forma* Internal Reorganization (“Application”). Applicants request that the Authority afford the highest level of protective treatment to the Application and ask that the Application be made available only to the Authority.

Applicants request confidential treatment of their Application because it contains revenue information and the private terms and conditions for the reorganization transaction. Applicants also request confidential treatment of the Application because it contains detailed and highly confidential information regarding Applicants’ assets, liabilities, and financial condition. The information provided in the Application is proprietary, sensitive, commercial, and financial information that is not publicly available and, if released, could be used by Applicants’ competitors to cause competitive harm. The potential harm to Applicants is substantial, and the need for proprietary protection of this information outweighs any need for public disclosure at this time. As such, the Application should be afforded protection from public inspection.

Disclosure of the Application would have adverse competitive consequences for Applicants. Absent protection from disclosure, Applicants' competitors would have access to sensitive and private financial data and proprietary information of Applicants, which are not publicly-traded companies. Because Applicants are operating in a highly competitive market, public availability of this information would adversely disadvantage Applicants. Release of this information to the public would cause undue economic damage and substantially harm Applicants' ability to compete in the marketplace.

Protection of the information provided in the Application does not affect the public interest and does not restrict interested parties from participating in the administrative process. Furthermore, the harm that would result from disclosure of this information far outweighs the public interest in accessing this information.

All notices and inquiries concerning this request should be directed to:

Angela F. Collins
Cahill Gordon & Reindel LLP
1990 K Street, NW, Suite 950
Washington, DC 20006
202-862-8900 (telephone)
202-862-8958 (facsimile)
acollins@cgrdc.com

with a copy to:

Christopher Bunce
Vice President, Legal and General Counsel
Birch Communications, Inc.
2300 Main Street, Suite 600
Kansas City, MO 64108
816-300-3322 (telephone)
chris.bunce@birch.com

Accordingly, and for the foregoing reasons, Applicants respectfully request that the Authority afford confidential treatment to their Application. In the event that this request is

denied, please provide the undersigned with notice of that determination prior to making the Application available to the public. Applicants further request that the Authority stay the release of the Application until such time as an application for review of the determination is resolved. Disclosure of the Application without affording Applicants an opportunity to contest a finding against confidentiality would prejudice Applicants and render moot any successful appeal.

Respectfully submitted,

**BIRCH TELECOM OF THE SOUTH, INC. DBA
BIRCH COMMUNICATIONS, INC.**

BIRCH COMMUNICATIONS, INC.

AND

BIRCH COMMUNICATIONS HOLDINGS, INC.



Christopher Bunce
Vice President, Legal and General Counsel
Birch Communications, Inc.
2300 Main Street, Suite 600
Kansas City, MO 64108
816-300-3322 (telephone)
chris.bunce@birch.com

Angela F. Collins
Cahill Gordon & Reindel LLP
1990 K Street, NW, Suite 950
Washington, DC 20006
202-862-8900 (telephone)
202-862-8958 (facsimile)
acollins@cgrdc.com

Dated: June 15, 2010