



151 Southhall Lane, Ste 450  
Maitland, FL 32751  
P.O. Drawer 200  
Winter Park, FL 32790-0200  
www.inteserra.com

March 21, 2018  
**Via Overnight Delivery & E-Mail**

Chairman  
Tennessee Public Utility Commission  
502 Deaderick Street  
4th Floor  
Nashville, TN 37243

Docket No. 18-00027

**RE: Birch Telecom of the South, Inc. d/b/a Birch Communications of the South d/b/a Primus  
Notice of Company Name Change  
Company ID 128567**

Chairman:

The original and four (4) copies of this letter are submitted on behalf of Birch Telecom of the South, Inc. d/b/a Birch Communications of the South d/b/a Primus ("Company") to notify the Commission that the Company has changed its name to Birch Telecom of the South, LLC d/b/a Birch Communications of the South d/b/a Primus. The Company is authorized as a Competing Telecommunications Service Provider pursuant to Docket 00-00341.

The Company has converted to a limited liability company and now operates under the name of Birch Telecom of the South, LLC d/b/a Birch Communications of the South d/b/a Primus. Enclosed is a copy of documentation on the conversion on file with the Division of Business Services of the Tennessee Department of State and a copy of the General Surety Rider amending the Company's Bond to reflect the change in Company name.

The change in corporate form will have no customer impact as there will be no change in the name of the customer's provider and no effect on the rates or services offered to customers.

The Company respectfully requests the Commission to change the Company's name in all Commission records. Upon approval of this name change the Company will file updated tariff title pages.

*Also enclosed is a check for \$25.00 to cover the filing fee.*

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 should be directed to my attention at 407-740-3006 or via email to croesel@inteserra.com. Thank you for your assistance in this matter.

Sincerely,

/s/ Carey Roesel

Carey Roesel  
Consultant

cc: A. Collins – Cahill, Gordon & Reindel LLP (via Email)  
tms: TNI1801  
Enclosures  
CR/sp

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Annette Wisong, Steven L Swords, Tina H Kennedy, Chaun M Wilson, Joseph R Williams, Rebecca E Howard, Sarah Hancock, Individually**

of Atlanta, GA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 9th day of July, 2015.



WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 9th day of July, 2015, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

February 12, 2021



S. Eich, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 21 day of March, 2018



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

## GENERAL SURETY RIDER

To be attached and form a part of

Type of Bond: License & Permit

Bond No. : 70636843

Dated effective: 2/9/2009  
(MONTH, DAY, YEAR)

executed by: Birch Telecom of the South, Inc. dba Birch Communications of the South dba Primus,  
as Principal,

(PRINCIPAL)

and by: Western Surety Company, as Surety,  
(SURETY)

and in favor of : State of Tennessee.  
(OBLIGEE)

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

INFORMATION	FROM	TO
Principal Name	Birch Telecom of the South, Inc. dba Birch Communications of the South dba Primus	Birch Telecom, LLC

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider is effective 2/9/2018  
(MONTH, DAY, YEAR)

Signed and Sealed 3/21/2018  
(MONTH, DAY, YEAR)

Birch Telecom, LLC  
PRINCIPAL

BY: 

TITLE

Western Surety Company  
SURETY

BY: 

Annette Wisong, ATTORNEY-IN-FACT



**Tre Hargett**  
Secretary of State

**Division of Business Services**  
**Department of State**  
**State of Tennessee**  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

Birch Telecom of the South, LLC  
320 INTERSTATE NORTH PKWY SE  
ATLANTA, GA 30339-2213

March 15, 2018

**Control # 385719**

**Effective Date: 03/15/2018**

**Document Receipt**

Receipt #: 3909867

Filing Fee: \$300.00

Payment-Account - #23391 CFS-1, NASHVILLE, TN

\$300.00

**ACKNOWLEDGMENT OF CONVERSION**

**BIRCH TELECOM OF THE SOUTH, INC.** converted from a **DELAWARE For-profit Corporation** to  
**Birch Telecom of the South, LLC**  
a **DELAWARE Limited Liability Company**

This will acknowledge the filing of the attached Articles of Conversion with an effective date as indicated above.

When corresponding with this office or submitting documents for filing, please refer to the control number given above.

Tre Hargett  
Secretary of State

Processed By: Cynthia Dunn

6  
**FILED**

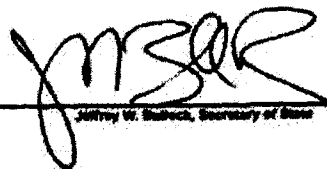
# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND  
CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE  
CORPORATION UNDER THE NAME OF "BIRCH TELECOM OF THE SOUTH, INC."  
TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM  
"BIRCH TELECOM OF THE SOUTH, INC." TO "BIRCH TELECOM OF THE SOUTH,  
LLC", FILED IN THIS OFFICE ON THE TWENTY-FIRST DAY OF DECEMBER,  
A.D. 2017, AT 12:04 O'CLOCK P.M.



  
Jeffrey W. Bullock, Secretary of State

3173306 8100V  
SR# 20181377262

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 202213963  
Date: 02-26-18

B0510-4232 03/15/2018 11:04 AM Received by Tennessee Secretary of State The Hargett

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 12:04 PM 12/21/2017  
FILED 12:04 PM 12/21/2017  
SR 20177715353 - File Number 3173306

**CERTIFICATE OF CONVERSION  
OF  
BIRCH TELECOM OF THE SOUTH, INC.  
FROM A CORPORATION TO A LIMITED LIABILITY COMPANY**

**December 21, 2017**

This CERTIFICATE OF CONVERSION (this "Certificate") is made pursuant to Section 18-214 of the Delaware Limited Liability Company Act (the "Act") and is hereby filed with the Secretary of State of the State of Delaware pursuant to Section 18-206 of the Act.

1. The name of the converting corporation immediately prior to the filing of this Certificate is Birch Telecom of the South, Inc. (the "Converting Corporation").
2. The jurisdiction where the Converting Corporation was first incorporated, and the jurisdiction of the Converting Corporation immediately prior to the filing of this Certificate, is the State of Delaware.
3. The Converting Corporation was first incorporated on February 8, 2000.
4. The name of the limited liability company into which the Converting Corporation is being converted (the "Converted Entity"), as set forth in the Certificate of Formation of the Converted Entity, is Birch Telecom of the South, LLC.
5. This Certificate shall be effective as of December 30, 2017.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the date first written above.

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

By: 

Name: Gordon P. Williams, Jr.

Title: Senior Vice President, Secretary and General Counsel

# APPLICATION FOR CERTIFICATE OF AUTHORITY LIMITED LIABILITY COMPANY (ss-4233)

Page 1 of 2



Business Services Division  
Tre Hargett, Secretary of State  
State of Tennessee  
312 Rosa L. Parks AVE, 6th Fl.  
Nashville, TN 37243-1102  
(615) 741-2286

For Office Use Only

Filing Fee: \$50.00 per member  
(minimum fee = \$300, maximum fee = \$3,000)

## To The Secretary of the State of Tennessee:

Pursuant to the provisions of T.C.A. §48-249-904 of the Tennessee Revised Limited Liability Company Act, the undersigned hereby applies for a certificate of authority to transact business in the State of Tennessee, and for that purpose sets forth:

1. The name of the Limited Liability Company is: Birch Telecom of the South, LLC

If different, the name under which the certificate of authority is to be obtained is: \_\_\_\_\_

**NOTE:** The Secretary of State of the State of Tennessee may not issue a certificate of authority to a foreign Limited Liability Company if its name does not comply with the requirements of T.C.A. §48-249-106 of the Tennessee Revised Limited Liability Company Act. If obtaining a certificate of authority under an assumed Limited Liability Company name, an application must be filed pursuant to T.C.A. §48-249-106(d).

2. The state or country under whose law it is formed is: Delaware

and the date of its formation is: 02 / 08 / 2000 and the date it commenced doing business in Tennessee is: 12 / 30 / 2017  
Month Day Year Month Day Year

**NOTE:** Additional filing fees and proof of tax clearance confirming good standing may apply if the Limited Liability Company commenced doing business in Tennessee prior to the approval of this application. See T.C.A. §48-249-913(d) and T.C.A. §48-249-905(c)

3. This company has the additional designation of: \_\_\_\_\_

4. The name and complete address of its registered agent and office located in the state of Tennessee is:

Name: Corporation Service Company

Address: 2908 Poston Avenue

City: Nashville State: TN Zip Code: 37203 County: Davidson

5. Fiscal Year Close Month: December

6. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date and time is: (Not to exceed 90 days)

Effective Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Time: \_\_\_\_\_  
Month Day Year

7. The LLC will be: ☐ Member Managed ☒ Manager Managed ☐ Director Managed ☐ Board Managed ☐ Other

8. Number of Members at the date of filing: 1

9. Period of Duration: ☒ Perpetual ☐ Other \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

10. The complete address of its principal executive office is:

Address: 320 Interstate North Pkwy SE

City: Atlanta State: GA Zip Code: 30339



BO510-4235 03/15/2018 11:04 AM Received by Tennessee Secretary of State Tre Hargett

# APPLICATION FOR CERTIFICATE OF AUTHORITY LIMITED LIABILITY COMPANY (ss-4233)

Page 2 of 2



Business Services Division  
Tre Hargett, Secretary of State  
State of Tennessee  
312 Rosa L. Parks AVE, 6th Fl.  
Nashville, TN 37243-1102  
(615) 741-2285

For Office Use Only

Filing Fee: \$50.00 per member  
(minimum fee = \$300, maximum fee = \$3,000)

The name of the Limited Liability Company is: Birch Telecom of the South, LLC

11. The complete mailing address of the entity (if different from the principal office) is:

Address: 320 Interstate North Pkwy SE

City: Atlanta

State: GA

Zip Code: 30339

12. Non-Profit LLC (required only if the Additional Designation of "Non-Profit LLC" is entered in section 3.)

- ☐ I certify that this entity is a Non-Profit LLC whose sole member is a nonprofit corporation, foreign or domestic, incorporated under or subject to the provisions of the Tennessee Nonprofit Corporation Act and who is exempt from franchise and excise tax as not-for-profit as defined in T.C.A. §67-4-2004. The business is disregarded as an entity for federal income tax purposes.

13. Professional LLC (required only if the Additional Designation of "Professional LLC" is entered in section 3.)

- ☐ I certify that this PLLC has one or more qualified persons as members and no disqualified persons as members or holders.  
☐ I certify that this entity meets the requirement of T.C.A. §48-249-1123(b)(3)

Licensed Profession: \_\_\_\_\_

14. Series LLC (required only if the Additional Designation of "Series LLC" is entered in section 3.)

- ☐ I certify that this entity meets the requirements of T.C.A. §48-249-309(i)

If the provisions of T.C.A. §48-249-309(i) (relating to foreign series LLCs) apply, then the information required by that section should be attached as part of this document.

15. Obligated Member Entity (list of obligated members and signatures must be attached)

- ☐ This entity will be registered as an Obligated Member Entity (OME) Effective Date: \_\_\_\_\_  
Month Day Year

☐ I understand that by statute: THE EXECUTION AND FILING OF THIS DOCUMENT WILL CAUSE THE MEMBER(S) TO BE PERSONALLY LIABLE FOR THE DEBTS, OBLIGATIONS AND LIABILITIES FOR THE LIMITED LIABILITY COMPANY TO THE SAME EXTENT AS A GENERAL PARTNER OF A GENERAL PARTNERSHIP. CONSULT AN ATTORNEY.

16. Other Provisions: \_\_\_\_\_

February 8, 2018

Signature Date

Manager

Signer's Capacity (if other than individual capacity)

Signature

Gordon P. Williams, Jr.

Name (printed or typed)

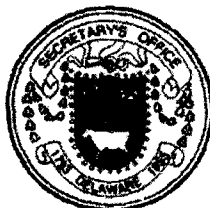
# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "BIRCH TELECOM OF THE SOUTH, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTIETH DAY OF FEBRUARY, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



3173306 8300

SR# 20181140403

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 202177828

Date: 02-20-18

B0510-4237 03/15/2018 11:04 AM Received by Tennessee Secretary of State Tre Hargett