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Renee Jenkins
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

Re: Tariff Revisions
Birch Telecom of the Great Lakes, P.U.C.O No. 1
Case No. 10-1082-TP-SLF

90-9134-TP-TRF

Dear Ms. Jenkins:

Please find enclosed ten (10) copies of sheet revisions as requested by Ohio Commission staff to the tariff filing for Birch Telecom of the Great Lakes, Inc dba Birch Communications Local Exchange Tariff, case number 10-1082-TP-SLF.

With this filing, Birch Telecom of the Great Lakes, Inc dba Birch Communications intends to introduce new rates and update the late payment fee.

With this filing you will find the original application, Exhibit A, Exhibit B, Exhibit C and Exhibit D which is the customer notification.

We request an effective date of February 24, 2010.

If there are any questions associated with this filing, I can be reached at 816-300-1677 or by email at tjackson@birch.com.

Yours very truly,

A handwritten signature in black ink that reads "Tara Jackson".

Tara Jackson
Sr. Manager, Legal and Regulatory

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician DMm Date Processed 01-27-10

Birch Communications. At your service.

The Public Utilities Commission of Ohio
TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS
(Effective: 01/18/2008)

In the Matter of the Application of BIRCH TELECOM OF)
THE GREAT LAKES, INC dba BIRCH)
COMMUNICATIONS)
to CHANGE AND UPDATE TARIFF)

TRF Docket No. 90-9134-TP-TRF

Case No. 10 - 1082 -TP - SLF

NOTE: Unless you have reserved a Case # or are filing a Contract, leave the "Case No" fields BLANK.

Name of Registrant(s) BIRCH TELECOM OF THE GREAT LAKES, INC.

DBA(s) of Registrant(s) dba BIRCH COMMUNICATIONS

Address of Registrant(s) 2300 MAIN ST. SUITE 600 KANSAS CITY, MO 64108

Company Web Address www.birch.com

Regulatory Contact Person(s) Tara Jackson

Phone 816-300-1677 Fax 816-300-3350

Regulatory Contact Person's Email Address tara.jackson@birch.com

Contact Person for Annual Report Angela Hoke

Phone 816-300-1049

Address (if different from above) _____

Consumer Contact Information Tara Jackson

Phone 816-300-1677

Address (if different from above) _____

Motion for protective order included with filing? ☐ Yes ☒ No

Motion for waiver(s) filed affecting this case? ☐ Yes ☒ No [Note: Waivers may toll any automatic timeframe.]

Section I - Pursuant to Chapter 4901:11-6 OAC - Part I - Please indicate the Carrier Type and the reason for submitting this form by checking the boxes below. CMRS providers: Please see the bottom of Section II.

NOTES: (1) For requirements for various applications, see the identified section of Ohio Administrative Code Section 4901 and/or the supplemental application form noted.

(2) Information regarding the number of copies required by the Commission may be obtained from the Commission's web site at www.puco.ohio.gov under the docketing information system section, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the Commission.

Carrier Type <input type="checkbox"/> Other (explain below)	<input type="checkbox"/> ILEC	<input checked="" type="checkbox"/> CLEC	<input type="checkbox"/> CTS	<input type="checkbox"/> AOS/IOS
Tier 1 Regulatory Treatment				
Change Rates within approved Range	<input type="checkbox"/> TRF 1-6-04(B) (0 day Notice)	<input checked="" type="checkbox"/> TRF 1-6-04(B) (0 day Notice)		
New Service, expanded local calling area, correction of textual error	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)		
Change Terms and Conditions, Introduce non-recurring service charges	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Introduce or Increase Late Payment or Returned Check Charge	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Business Contract	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)		
Withdrawal	<input type="checkbox"/> ATW 1-6-12(A) (Non-Auto)	<input type="checkbox"/> ATW 1-6-12(A) (Auto 30 days)		
Raise the Ceiling of a Rate	Not Applicable	<input checked="" type="checkbox"/> SLF 1-6-04(B) (Auto 30 days)		
Tier 2 Regulatory Treatment				
Residential - Introduce non-recurring service charges	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)		
Residential - Introduce New Tariffed Tier 2 Service(s)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input checked="" type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	
Residential - Change Rates, Terms and Conditions, Promotions, or Withdrawal	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	
Residential - Tier 2 Service Contracts	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	
Commercial (Business) Contracts	Not Filed	Not Filed	Not Filed	
Business Services (see "Other" below)	Detariffed	Detariffed	Detariffed	
Residential & Business Toll Services (see "Other" below)	Detariffed	Detariffed	Detariffed	

Section I – Part II – Certificate Status and Procedural

Certificate Status	ILEC	CLEC	CTS	AOS/IOS
Certification (See Supplemental ACE form)		<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)
Add Exchanges to Certificate	<input type="checkbox"/> ATA 1-6-09(C) (Auto 30 days)	<input type="checkbox"/> AAC 1-6-10(F) (0 day Notice)	CLECs must attach a current CLEC Exchange Listing Form	
Abandon all Services - With Customers	<input type="checkbox"/> ABN 1-6-11(A) (Non-Auto)	<input type="checkbox"/> ABN 1-6-11(A) (Auto 90 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Abandon all Services - Without Customers		<input type="checkbox"/> ABN 1-6-11(A) (Auto 30 days)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Change of Official Name (See below)	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Change in Ownership (See below)	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Merger (See below)	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transfer a Certificate (See below)	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transaction for transfer or lease of property, plant or business (See below)	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Procedural				
Designation of Process Agent(s)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)

Section II – Carrier to Carrier (Pursuant to 4901:1-7), CMRS and Other

Carrier to Carrier	ILEC	CLEC		
Interconnection agreement, or amendment to an approved agreement	<input type="checkbox"/> NAG 1-7-07 (Auto 90 day)	<input type="checkbox"/> NAG 1-7-07 (Auto 90 day)		
Request for Arbitration	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)		
Introduce or change c-l-c service tariffs,	<input type="checkbox"/> ATA 1-7-14 (Auto 30 day)	<input type="checkbox"/> ATA 1-7-14 (Auto 30 day)		
Introduce or change access service pursuant to 07-464-TP-COI	<input type="checkbox"/> ATA (Auto 30 day)			
Request rural carrier exemption, rural carrier suspension or modification	<input type="checkbox"/> UNC 1-7-04 or 1-7-05 (Non-Auto)	<input type="checkbox"/> UNC 1-7-04 or 1-7-05 (Non-Auto)		
Pole attachment changes in terms and conditions and price changes.	<input type="checkbox"/> UNC 1-7-23(B) (Non-Auto)	<input type="checkbox"/> UNC 1-7-05 (Non-Auto)		
CMRS Providers See 4901:1-6-15	<input type="checkbox"/> RCC [Registration & Change in Operations] (0 day)		<input type="checkbox"/> NAG [Interconnection Agreement or Amendment] (Auto 90 days)	

Other* (explain) _____

*NOTE: During the interim period between the effective date of the rules and an Applicant's Detariffing Filing, changes to existing business Tier 2 and all toll services, including the addition of new business Tier 2 and all new toll services, will be processed as 0-day TRF filings, and briefly described in the "Other" section above.

All Section I and II applications that result in a change to one or more tariff pages require, at a minimum, the following exhibits. Other exhibits may be required under the applicable rule(s). ACN, ACO, AMT, ATC, ATR and CIO applications see the 4901:1-6-14 Filing Requirements on the Commission's Web Page for a complete list of exhibits.

Exhibit	Description:
A	The tariff pages subject to the proposed change(s) as they exist before the change(s)
B	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.
C	A short description of the nature of the change(s), the intent of the change(s), and the customers affected.
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s).

Section III. – Attestation

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

AFFIDAVIT

Compliance with Commission Rules and Service Standards

I am an officer/agent of the applicant corporation, Birch Telecom of the Great Lakes Inc. dba Birch Communications, and I am authorized to make this statement on its behalf.

I attest that these tariffs comply with all applicable rules, including the Minimum Telephone Service Standards (MTSS) Pursuant to Chapter 4901:1-5 OAC for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, including the Minimum Telephone Service Standards, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 23, 2010

at 2300 Main St. Suite 600 Kansas City, MO 64108

*(Signature and Title) *David Jack* January 23, 2010

SK Manager Legal & Regulation

- This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

VERIFICATION

I, Christopher J. Bunce verify that I have utilized the Telecommunications Application Form for Routine Proceedings provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

*(Signature and Title) *David Jack* January 23, 2010

SK Manager Legal & Regulation

.....
*Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

Send your completed Application Form, including all required attachments as well as the required number of copies, to:

**Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, Columbus, OH 43215-3793**

Or

Make such filing electronically as directed in Case No 06-900-AU-WVR

Exhibit A of Attachments
Case No. 10-1082-TP-SLF

Local Exchange Tariff No. 1

Sheets:

Sheet No. 29
Sheet No. 42.2
Sheet No. 48
Sheet No. 54.30

Exhibit B – Revised Sheets
Exhibit C – Explanation of Changes
Case No. 10-1082-TP-SLF

Local Exchange Tariff No. 1

Sheets:

Sheet No. 29 – update Late Payment Charge
Sheet No. 42.2 – grandfather service
Sheet No. 48 – grandfather service
Sheet No. 54.30 - Facilities, CAR and Regulatory Compliance charges

Exhibit D
Customer Notification
Case No. 10-1082-TP-SLF

Customer notifications are scheduled to be sent by bill message one month before the charges will take effect and will only be sent to the impacted customers.

1. CHANGE IN LATE PAYMENT CHARGE:

LINE LEVEL MESSAGE

Effective with your next invoice, this rate will change from X to Y.

Effective with your next invoice, the name of this service will change from X to Y.

2. FACILITIES CHARGE:

PAGE 2 INVOICE MESSAGE:

New Look Fees

Effective on your next invoice, certain fees will change. The Line Recovery Charge and Interexchange Access Charge are being eliminated and replaced with the new Facilities Charge and Supplementary Facilities Charge. In addition, the contribution you pay toward the Federal Universal Service Fund may vary. The overall impact on your total charges for service will be minimal.

3. CARRIER ACCESS RECOVERY and

2. RULES AND REGULATIONS (continued)

2.6 Responsibility of the Customer (continued)

2.6.8 Late Payment Charge

The Company may apply a late payment charge of \$11.00 for Business and \$5.00 for Residential if any portion of the Customer's payment is received by the Company after the payment due date, or if any portion of the payment is received by the Company in funds which are not immediately available upon presentment. The late payment charge shall be applied to the portion of the payment not received by the date due, multiplied by a factor. The late factor shall be 1.5% per month.

(AT)

(AT)

Collection procedures are unaffected by the application of the late payment charge. The late payment charge does not apply to final amounts.

2.7 Responsibility of the Company

2.7.1 Provision of Equipment and Facilities

- A. The Company shall use reasonable efforts to make services available to a Customer on or before a particular date, subject to the provisions of and compliance by the Customer with the regulations contained in this Tariff and applicable rules of the Commission.
- B. The Company shall use reasonable efforts to maintain facilities and equipment that it furnishes to the Customer. The Customer may not, nor may the Customer permit others to, rearrange, disconnect, remove, attempt to repair or otherwise interfere with any of the facilities or equipment installed by the Company, except upon the written consent of the Company.
- C. The Company may substitute, change, or rearrange any equipment or facility at any time and from time to time, but shall not thereby materially reduce the technical parameters of the service provided to the Customer.
- D. Subject to the arrangement of the Company and to all of the regulations contained in this Tariff, special construction of facilities may be undertaken on a reasonable efforts basis at the request of the customer. The Company will advise Customers in writing of any additional charges when special construction is requested. Special construction is that construction undertaken and characterized by one or more of the following:
 1. Facilities requested are not presently available, and there is no other requirement for the facilities so constructed.
 2. Facilities requested are of a type other than that which the Company would normally utilize in the furnishing of its services.
 3. Facilities requested are over a route other than that which the Company would normally utilize in the furnishing of its services.

4. SERVICES

4.1 Exchange Access Lines

4.1.1 Main Service

A. Business (1)(2) (3)

(AT)

Description

Rate Group A

Max.

Flat Rate 1-Party

\$60.00

B. Facilities Charges in Section 4.2.18 will apply.

(AT)

For application in this tariff, such regulations, rates and charges shall be interpreted to apply on a "per request, per line" basis.

Footnotes

- (1) The rates for main service do not include a telephone instrument.
- (2) The rates for main service include Touch-Tone and Series Completion Hunting.
- (3) Effective February 24, 2010, this product is grandfathered and no longer available.

(AT)

4. SERVICES (continued)

4.2 General Exchange Services (continued)

(AT)

4.2.3 A. Birch Basic Business Line (1)

Birch Basic Business Line is available within the Exchange Area as defined in Section 3 of this Tariff. The rates are located in Section 5 of this tariff.

	<u>Monthly Rate</u>	
	<u>Rate</u> <u>Group A</u> Max.	<u>Non-Recurring</u> <u>Installation Charge(1)</u> Max.
One Flat Rate 1-Party Line	\$60.00	\$80.00

B. Facilities Charges in Section 4.2.18 apply.

(AT)

(1) Effective February 24, 2010, this service is grandfathered and no longer available.

(AT)

4. SERVICES (continued)

(AT)

4.2.18 Miscellaneous Service Charges

1. Facilities Charges

The Facilities Charge provides for delivery of high quality services, including connecting customers to the network, customer service and network monitoring, updating operational systems, and the construction of a facilities-based network. The Facilities Charge is applied to each line. A Supplementary Facilities Charge is also applied to each line where Birch Long Distance service is used.

<u>Charge (per line)</u>	<u>Current Rate</u>
Facilities Charge	\$6.38

<u>Charge (per line with Birch LD)</u>	<u>Current Rate</u>
Supplementary Facilities Charge	\$1.00

2. Carrier Access Recovery Charge

The Carrier Access Recovery Charge funds a contribution towards higher costs of interconnection with other carriers. This charge is applied to each Business line.

<u>Charge (per line)</u>	<u>Current Rate</u>
Carrier Access Recovery Charge	\$1.35

3. Regulatory Compliance Fee

The Regulatory Compliance Fee covers costs associated with ongoing regulatory and compliance obligations, participation in regulatory proceedings, handling customer complaints with regulatory agencies, and negotiations with other regulated carriers. This charge is applied to each line.

<u>Charge (per line)</u>	<u>Current Rate</u>
Regulatory Compliance Fee	\$0.75

(AT)