



2600 Malland Center Pkwy.

2690 Malland Center Pkwy.

Suwannee, FL 32751

Malland, FL 32751

P. O. Box 214

Winter Park, FL

32789-02407-740-8575

Tel: 407-740-8575

Fax: 407-740-0633

tmi@tmi.com

December 14, 2007  
Via Overnight Delivery

RECEIVED

DEC 19 2007

Policy Division  
International Bureau

RECEIVED & INSPECTED

DEC 17 2007

FCC - MAILROOM

Ms. Marlene H. Dortch, FCC Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743  
Attn: International Bureau

RE: **ITC-TC-20071116-00469**. In the Matter of the Consolidated Application of **Birch Telecom, Inc.** and **Access Integrated Networks, Inc.**, for Authority pursuant to Section 214 of the Communications Act of 1934, as Amended, to Transfer Control of an Authorized Domestic and International Carrier

Dear Ms. Dortch:

The original and one (1) copy of this letter are submitted at the request of the staff of the International Bureau to identify certain changes that have taken place since the above referenced application was filed on November 16, 2007 by Birch Telecom, Inc. ("Birch Telecom") and Access Integrated Networks, Inc. ("AIN") and to amend the application accordingly.

The following changes have occurred:

- 1) At the time the above-referenced application was filed, Birch Telecom, Inc. was not the holder of the international Section 214 authorization. Rather, the international Section 214 authorizations were held by subsidiaries of Birch Telecom. Pursuant to certain notifications of *pro forma* assignment of international 214 authorizations submitted December 10, 2007, Birch Telecom is now the sole license holder, and Birch Telecom's subsidiaries will operate pursuant to the authority now held by Birch Telecom as permitted by 63.21(h) of the rules.

- 2) The notifications of *pro forma* assignment were submitted as follows:

Ionex Communications North, Inc.	ITC-ASG-20071210-00486
Ionex Communications South, Inc.	ITC-ASG-20071210-00487
Ionex Communications, Inc.	ITC-ASG-20071210-00488
Birch Telecom of Oklahoma, Inc.	ITC-ASG-20071210-00489
Birch Telecom of Missouri, Inc.	ITC-ASG-20071210-00490

- 3) Exhibit A to the *pro forma* assignment filings referenced in #2 above provides a corrected list of Birch subsidiaries that held international Section 214 authorizations prior to consummation of the *pro forma* assignment.

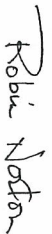
Ms. Marlene H. Dortch  
December 14, 2007  
Page 2

- 4) The international Section 214 authorization of Telecom Resources, Inc. was relinquished by letter submitted December 6, 2007. Therefore, Telecom Resources, Inc. was not included in the *pro forma* assignment filings referenced in #2 above.

Please acknowledge receipt of this filing by returning, file-stamped, the extra copy of this cover letter in the self-addressed, stamped envelope enclosed for this purpose.

Any questions you may have regarding this transaction should be directed to my attention at (407) 740-3004 or via email to [mnorton@trninc.com](mailto:mnorton@trninc.com).

Sincerely,



Robin Norton  
Consultant

Cc: Sharyl Fowler – AIN  
Chris Bunce - Birch  
Sumita Mukhoty, FCC IB

file: AIN – FCC  
tms: FCCx0701b



February 26, 2008  
*Via Overnight Delivery*

Received & Inspected  
FEB 27 2008  
FCC Mail Room

2600 Maitland Center Pkwy,  
Suite 300

RECEIVED

Maitland, FL 32751

P.O. Drawer 200

FEB 29 2008

Winter Park, FL

Policy Division  
International Bureau

32790-0200

Tel: 407-740-8575

Fax: 407-740-0613

www.tminc.com

**RE: ITC-T/C-20071116-00469.** In the Matter of **Birch Telecom, Inc.** and **Access Integrated Networks, Inc.** Application for Authority to Transfer of Control pursuant to Section 214 of the Communications Act of 1934, as amended  
**Grant of Authority: January 5, 2008**

Dear Ms. Dortch:

Pursuant to CFR Section 63.24(4), the original and five (5) copies of this letter are submitted on behalf of Access Integrated Networks, Inc. ("AIN") as notification to the Federal Communications Commission that the transfer of control approved in the above-referenced proceeding has been completed.

Questions or instructions pertaining to this transaction should be directed to my attention at (407) 740-3004 or [rnorton@tminc.com](mailto:rnorton@tminc.com).

Please acknowledge receipt of this filing by returning, file-stamped, the extra copy of this cover letter in the self-addressed, stamped envelope enclosed for this purpose.

Sincerely,

Robin Norton  
Technologies Management, Inc.  
Consultant

cc: Sharyl Fowler – AIN  
Chris Bunce - Birch  
Sumita Mukhoty, FCC IB  
file: Birch (AIN) - FCC  
tms: FCCx0701c



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
[fp.fcc.gov](http://fp.fcc.gov)

DA 07- 4784  
Released: November 29, 2007

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF BIRCH TELECOM, INC. TO ACCESS INTEGRATED NETWORKS, INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-270

Comments Due: December 13, 2007  
Reply Comments Due: December 20, 2007

The following application was filed pursuant to section 63.03 of the Commission's rules requesting approval to transfer control of Birch Telecom, Inc. (Birch) to Access Integrated Networks, Inc. (AIN) (together Applicants).<sup>1</sup> Birch is a Delaware corporation that provides competitive voice and data services in twenty-six states through its twenty-eight, U.S. based, direct and indirect subsidiaries. Birch will continue to hold 100% of the equity, directly or indirectly, of each of its subsidiaries after the transfer is consummated. AIN is a Georgia company that provides competitive local and long distance services to residential and small business customers in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. AIN is wholly owned by Access Investors, LLC, which in turn is owned by Holcombe Green (62%) and R. Kirby Godsey (33%), both U.S. citizens. Applicants state that no other person or entity owns a ten percent or greater direct or indirect share of Access Investors, LLC. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules, and that a grant of the application will serve the public interest, convenience, and necessity.<sup>2</sup>

Application Filed for the Transfer of Control of Birch Telecom, Inc. to Access Integrated Networks, Inc., WC Docket No. 07-270 (filed Nov. 16, 2007).

<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on Nov. 28, 2007.

<sup>2</sup> 47 C.F.R. § 63.03(b)(2)(i).

## GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before December 13, 2007**, and reply comments **on or before December 20, 2007**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>3</sup> Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/ecfb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

### **In addition, email one copy of each pleading to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Matthew Warner, Competition Policy Division, Wireline Competition Bureau, [matthew.warner@fcc.gov](mailto:matthew.warner@fcc.gov);
- 4) David Krech, International Bureau, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov)
- 5) Cheryl Callahan, Telecommunications Policy Access, Wireline Competition Bureau, [cheryl.callahan@fcc.gov](mailto:cheryl.callahan@fcc.gov); and,
- 6) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

---

<sup>3</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Matthew Warner at 202 / 418-2419.

- FCC -