

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

020847-TP  
**ORIGINAL**

In re: ) Chapter 11  
)  
BIRCH TELECOM, INC., et al., ) Case No. 02-12218 (JCA)  
)  
Debtors. ) Jointly Administered

**NOTICE OF (I) COMMENCEMENT OF CHAPTER 11 CASES, (II) MEETING OF CREDITORS, (III) COMBINED HEARING TO APPROVE ADEQUACY OF SOLICITATION PROCEDURES AND DISCLOSURE STATEMENT AND TO CONFIRM PREPACKAGED JOINT PLAN OF REORGANIZATION, (IV) ESTABLISHMENT OF OBJECTION DEADLINES**

**BY ORDER OF THE UNITED STATES BANKRUPTCY COURT,  
HONORABLE JOHN C. AKARD**

**PLEASE TAKE NOTICE** of the following:

**COMMENCEMENT OF CASES**

1. On July 29, 2002, the above-captioned debtors and debtors-in-possession filed a petition for reorganization relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in this Court. In conjunction with this filing, the Debtors filed their Disclosure Statement, dated June 27, 2002 (the "Disclosure Statement") and Prepackaged Joint Plan of Reorganization (the "Plan"). Under the Plan, certain creditors, including holders of Priority Non-Tax Claims, Other Secured Claims and General Unsecured Claims (each as defined in the Plan) are unimpaired. Only holders of Senior Credit Facility Claims, Senior Note Securities Claims, Preferred Stock Interests and Remaining Birch Equity Interests (each as defined in the Plan) are impaired.

2. You may be a creditor of one of the Debtors. This notice lists important deadlines. You may want to consult an attorney to protect your rights. The staff of the Office of the United States Trustee and the Bankruptcy Court's clerk's office cannot give legal advice. You will not receive notice of all documents filed in these cases. All documents filed with the Court, including schedules of the assets and liabilities of the Debtors (if they are filed), are available for inspection at the office of the Clerk of the Bankruptcy Court at 824 Market Street, Wilmington, Delaware 19801.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS**

3. The filing of these bankruptcy cases automatically stays certain collection and other actions against the Debtors and the Debtors' property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Common examples of prohibited actions include (i) contacting the Debtors to demand repayment, (ii) taking action against the Debtors to collect money owed to creditors or to take property of the Debtors, (iii) terminating or changing the terms of existing contracts or agreements, and (iv) starting or continuing foreclosure actions or repossessions. A creditor who is considering taking action against any of the Debtors or any Debtor's property should review section 362 of the Bankruptcy Code and may wish to seek legal advice.

**MEETING OF CREDITORS**

4. Pursuant to section 341 of the Bankruptcy Code, a meeting of creditors has been scheduled for **September 5, 2002 at 10:00 a.m.** prevailing Eastern Time to be held at the **J. Caleb Boggs Federal Building, 2<sup>nd</sup> Floor, Room 2112, 844 King St., Wilmington, Delaware.** The Debtors' representative must appear at the section 341 meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath by the United States Trustee and creditors. Attendance by creditors at the meeting is welcomed, but not required. The meeting may be continued or adjourned without further written notice.

**FILING PROOFS OF CLAIM**

5. The Court has not set a bar date by which proofs of claim must be filed against the Debtors; if such a date is set by the Court, you will receive a separate notice.

DOCUMENT NUMBER-DATE

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**COMBINED HEARING ON THE ADEQUACY OF DISCLOSURE  
STATEMENT, SOLICITATION PROCEDURES, AND CONFIRMATION  
OF THE PREPACKAGED JOINT PLAN OF REORGANIZATION**

6. The combined hearing (the "Confirmation Hearing") to approve the adequacy of the Disclosure Statement, the solicitation procedures used, and the confirmation of the Plan will commence on the **18th day of September, 2002 at 10:30 a.m.**, prevailing Eastern Time, or as soon thereafter as counsel can be heard, before the Honorable John C. Akard, United States Bankruptcy Court for the District of Delaware, Wilmington, Delaware 19801. The Confirmation Hearing may be continued from time to time by announcing such continuance in open court or otherwise, all without further notice to parties-in-interest. The Court, in its discretion and prior to the Confirmation Hearing, may put in place additional procedures governing the Confirmation Hearing.

**DEADLINES AND PROCEDURES FOR FILING  
OBJECTIONS TO THE ADEQUACY OF THE DISCLOSURE  
STATEMENT, THE SOLICITATION PROCEDURES,  
AND TO THE CONFIRMATION OF THE PLAN**

7. The Bankruptcy Court has established **September 11, 2002 at 4:00 p.m.**, prevailing Eastern Time, as the last date and time for filing and serving objections to: (i) the approval of the Disclosure Statement and the solicitation procedures utilized in connection with the Plan, and to (ii) confirmation of the Plan (the "Objection Deadline"). Objections not filed and served by the Objection Deadline in the manner set forth below may not be considered by the Bankruptcy Court.

8. In order to be considered by the Bankruptcy Court, objections, if any, to approval of the Disclosure Statement or confirmation of the Plan, as the case may be, must be in writing and must be both (a) filed by the Objection Deadline so as to be actually received by the Clerk of the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, Delaware 19801 and (b) served on the following, so that they are actually RECEIVED by 4:00 p.m., prevailing Eastern Time, on or before the Objection Deadline by: (i) Martin N. Flics, Esquire, and Gregg D. Josephson, Esquire, Latham & Watkins, 885 Third Avenue, Suite 1000, New York, New York 10022-4802, Facsimile: (212) 751-4864; (ii) William H. Sudell, Jr., Esquire, Morris, Nichols, Arsht & Tunnell, 1201 North Market Street, Wilmington, Delaware 19801, Facsimile: 302-658-3989; and (iii) Office of the United States Trustee, 844 King Street, Suite 2313, Lockbox 35, Wilmington, Delaware 19801-3519, Attn: Mark S. Kenney, Esquire, facsimile: (302) 573-6497. The Court will consider only written objections filed and served by the Objection Deadline. All objections must state with particularity the grounds for such objection. Objections not timely filed and served in accordance with the provisions of this Notice shall be overruled.

9. Persons wishing to obtain copies of the Disclosure Statement or the Plan may request copies of the same from counsel to the Debtors. Such requests MUST be made in writing and sent by mail or facsimile to William H. Sudell, Jr. at the address set forth below:

Morris, Nichols, Arsht & Tunnell  
1201 North Market Street  
Wilmington, Delaware 19801  
(302) 658-3989

10. The Court has advised the parties, and notice is hereby given that, if a plan of reorganization is not confirmed at the hearing described herein (or at any adjournment thereof), the Court will immediately consider the following:

- a) whether these cases should be converted to a liquidation under Chapter 7 of the Bankruptcy Code.
- b) whether these cases should be transferred to the United States Bankruptcy Court in Kansas City, Missouri.

Dated: Wilmington, Delaware  
July 31, 2002

/s/ John C. Akard  
Judge