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Via UPS

100000-07

Florida Public Service Commission
Attn: Ms. Kimberley Pena
Office of the Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-8850

Re: Responses by Birch Communications, Inc. to the Local Competition Data Request

Dear Ms. Pena:

Enclosed for filing are two copies of the public version of Birch Communication's responses to the Commission's Local Competition Data Request. A confidential version of these same responses is also provided with the confidential portions highlighted, and is filed as such pursuant to Florida PSC Rule 25-22.006.

Thank you,

Angela Hoke
Manager-Legal & Regulatory

Enclosures

- COM
- APA
- ECR
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 02810-10. The document is in locked storage pending advise on handling. To access the material, your name must be on the CASR. If undocketed, your division director must provide written permission before you can access it.

DOCUMENT NUMBER-DATE

02809 APR 14 09

FPSC-COMMISSION CLERK

2010 Competitive Local Exchange Carrier (CLEC) Questionnaire
(Due by April 15, 2010)¹

Legal Company Name: Birch Communications, Inc.

D/B/A: _____

FPSC Company Code (e.g., TX000) TX326

Contact name & title: Angela Hoke, Manager, Legal & Regulatory

Telephone number: 816-300-1049

E-mail address: Angela.Hoke@birch.com

Stock Symbol (if company is publicly traded): _____

Services Provided in Florida

1. Do you provide local telephone service in Florida? Please check yes or no.

Yes
 No

2. Please complete the data tables.

3. How is your local service provisioned? Please mark the appropriate response(s).

Resold lines from ILEC
 Wholesale platform (formerly known as UNE-P)
 UNEs (other than wholesale platform) from ILEC
 Elements (e.g., loops, switching) from other than ILEC (e.g., other CLECs)
 Completely self-provisioned
 Other (please describe) _____

¹ The due date is established by Section 364.386(1)(b), Florida Statutes. Failure to comply with this rule may result in the Commission assessing penalties of up to \$25,000 per offense, with each day of noncompliance constituting a separate offense per Section 364.285(1), Florida Statutes.

4. What services, other than local service, does your company currently provide in Florida? Please check all that apply.

- | | | |
|--|---|-------------------------------|
| <input type="checkbox"/> Private line/special access | <input type="checkbox"/> Wholesale loops | <input type="checkbox"/> VoIP |
| <input type="checkbox"/> Fiber or copper based video service | | |
| <input type="checkbox"/> Wholesale transport | <input type="checkbox"/> Cable television | |
| <input type="checkbox"/> Interexchange service | <input type="checkbox"/> Satellite television | |
| <input type="checkbox"/> Cellular/wireless service | <input checked="" type="checkbox"/> Broadband Internet access | |

5. This question concerns **prepaid** local telephone service in Florida. Please place a check by the response that most accurately reflects whether or not you offer **prepaid** local telephone service.

- Company offers ONLY prepaid local telephone service in Florida
 Company offers prepaid AND non-prepaid local telephone service in Florida
 Company does NOT offer prepaid local telephone service in Florida

Bundled Services

6. What percentage of your Florida residential and business customers purchase bundled (i.e. voice service packaged with additional services such as internet or video service) offerings? Please provide the percentage below. Do not include bundles of telecom-only services. If you do not offer bundled services, indicate "not applicable."

- 0% Residential
 5% Business
 Not applicable

VoIP

7. Indicate below whether you are offering VoIP service to end users in Florida. VoIP service is defined as IP-based voice service provided over a digital connection. Please check any that apply.

- Not offering VoIP service to end users
 Offering VoIP services to business end users
 Offering VoIP services to residential end users

8. If you are offering VoIP service in Florida, please check all that apply:

- Peer-to-Peer only (no interconnection with PSTN)
- Use of public Internet
- Use of private IP network

Broadband

- 9. Do you offer broadband to residential customers in Florida? Please check the applicable answer.
 Yes
 No
- 10. If you do offer broadband to residential customers in Florida, please provide your best estimate of the percentage of residential end user premises in your Florida service area for which your broadband services are available.
- 11. How many residential broadband subscribers do you have in Florida?
- 12. Please list the method(s) of broadband provisioning utilized in Florida by your company (i.e. DSL, cable modem, fiber, etc.). DSL
- 13. What are the typical downstream and upstream speeds for your most popular broadband service?
 1.5/256K and 3.0/384K
- 14. What is the monthly price for your most popular residential broadband service? N/A

Fiber Deployment

- 15. Did you deploy fiber to homes or businesses in Florida between December 31, 2008 and December 31, 2009?
 Yes
 No
- 16. Please provide the number of new residential and business subscribers served by Fiber to the Home, Fiber to the Premises, and/or Fiber to the Curb technology since the last reporting period.
 Residential Subscribers
 Business Subscribers
 Total
- 17. Please provide your company's total number of residential and business subscribers currently served by Fiber to the Home, Fiber to the Premises, and/or Fiber to the Curb technology.

0 Residential Subscribers
 0 Business Subscribers
 0 Total

Miscellaneous

18. In calendar year 2009, how much money did you invest in your network directly serving Florida's local service customers? Please check the applicable answer.

 X \$1 - \$249,999
 \$250,000 - \$999,999
 \$1,000,000 - \$9,999,999
 \$10,000,000 or more

19. Are you currently operating under Chapter 7 or Chapter 11 protection? Please check yes or no.

 Yes
 X No

20. Please provide a copy of the Form 477 you filed with the FCC with data as of **December 31, 2009**

Comments

21. Have you experienced any significant barriers in entering Florida's local exchange markets? Please list and describe any major obstacles or barriers encountered that you believe may be impeding the growth of local competition in the state, along with any suggestions as to how to remove such obstacles. Any additional general comments or information you believe will assist staff in evaluating and reporting on the development of local exchange competition in Florida are welcome.

STATE OF FLORIDA

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Public Service Commission

ACKNOWLEDGEMENT

DATE: April 14, 2010

TO: Angela Hoke, Manager - Legal And Regulatory

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number undocketed or, if filed in an undocketed matter, concerning responses to local [CLEC] competition report., and filed on behalf of Birch Communications The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

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