

BellSouth Telecommunications, Inc. **Regulatory & External Affairs** 150 South Monroe Street Suite 400

Tallahassee, FL 32301-1556

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Marshall M. Criser III

Vice President Regulatory & External Affairs

840 224 7798 Fax 850 224 5073

June 14, 2004

Mrs. Blanca S. Bayo Director, Division of Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399

Re: Approval of Amendment to the Interconnection, Unbundling, Resale and Collocation Agreement between BellSouth Telecommunications, Inc. ("BellSouth") and Birch Telecom of the South, Inc d/b/a Birch Telecom d/b/a Birch

Dear Mrs. Bayo:

Please find enclosed for filing and approval, the original and two copies of BellSouth Telecommunications, Inc.'s Amendment to Interconnection, Unbundling, Resale and Collocation Agreement with Birch Telecom of the South, Inc d/b/a Birch Telecom d/b/a Birch

If you have any questions, please do not hesitate to call Robyn Holland at (850) 222-9380.

Very truly yours,

Marshall M. Crusey///
Tony Vice President R. H. Regulatory Vice President

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Amendment to the Agreement Between Birch Telecom of the South, Inc. and BellSouth Telecommunications, Inc. Dated July 14, 2000

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and:

Pursuant to this Amendment, (the "Amendment"), Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch ("Birch") on behalf of itself and its certificated operating affiliates identified in Part C hereof, and BellSouth Telecommunications, Inc. ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated July 14, 2000 ("Agreement") to be effective upon the date of the last signature executing the Amendment.

WHEREAS, BellSouth and Birch entered into the Agreement on July 14, 2000,

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

- The parties agree to add the following provision to Attachment 2, Section 3.3.1 and the associated rates as set forth in Exhibit 1 of this Amendment, attached hereto and incorporated herein by this reference.
- 3.3.1.1 Where Birch utilizes portions of the BellSouth network in originating or terminating traffic, the Tandem Switching rates are applied in call scenarios where the Tandem Switching Network Element has been utilized. Because switch recordings cannot accurately indicate on a per call basis when the Tandem Switching Network Element has been utilized for an interoffice call originating from a UNE port and terminating to a BellSouth, Independent Company or Facility-Based CLEC office, BellSouth has developed, based upon call studies, a melded rate that takes into account the average percentage of calls that utilize Tandem Switching in these scenarios. BellSouth shall apply the melded Tandem Switching rate for every call in these scenarios. BellSouth shall utilize the melded Tandem Switching Rate until BellSouth has the capability to measure actual Tandem Switch usage in each call scenario specifically mentioned above, at which point the rate for the actual Tandem Switch usage shall apply. The UNE Call Flows set forth on BellSouth's website, as amended from time to time and incorporated herein by this reference, illustrate when the full or melded Tandem Switching rates apply for specific scenarios.
- All of the other provisions of the Agreement, dated July 14, 2000, shall remain in full force and effect.
- 3. Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

Schedule of Birch Telecom of the South, Inc. (Birch) Operating Affiliates

Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch – FL
Birch Telecom of the South, Inc. – AL, GA, KY, LA, MS, NC, SC and TN

Melded Tandem Amendment Signature Page

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year written below.

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BellSouth Telecommunications, Inc.	Birch Telecom of the South, Inc.
By: Time (Ethy	By Lugory C. Lawhou
Name: Kristen E. Rowe	Name: GREGORY C. LAWHON
Title: Director	Title: SVP
Date: 5/28/07	Date: 5/27/04

Version 3Q03: 11/12/2003

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