

ORIGINAL

Matilda Sanders

From: Ann Bassett [abassett@lawfla.com]
Sent: Friday, September 16, 2005 10:54 AM
To: Filings@psc.state.fl.us
Subject: Docket 041338-TP
Attachments: 041338, birch hot cuts notice of voluntary withdrawal.pdf

The person responsible for this electronic filing is:

Floyd R. Self
Messer, Caparello & Self, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720
fself@lawfla.com

The Docket No. is 041338-TP - In re: Petition For Generic Proceeding To Set Rates, Terms, and Conditions For Batch Hot Cuts For UNE-P To UNE-L Conversions and for ILEC to UNE-L Conversions in the BellSouth Telecommunications, Inc. Service Area
This is being filed on behalf of Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch

Total Number of Pages is 4

Birch's Notice of Withdrawal

Ann Bassett
Messer, Caparello & Self, P.A.
Phone: 850-201-5225
abassett@lawfla.com

CMP
COM 5
CTR
ECR
GCL
OPC
RCA
SCR
SGA
SEC 1
OTH Kim P.

DOCUMENT NUMBER-DATE
08752 SEP 16 05
FPSC-COMMISSION CLERK

9/16/2005

ORIGINAL

LAW OFFICES
Messer, Caparello & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

September 16, 2005

VIA ELECTRONIC FILING

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 041338-TP

Dear Ms. Bayó:

Enclosed for filing in the above referenced docket on behalf of Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch ("Birch") is an electronic version of Birch's Notice of Withdrawal in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,


Floyd R. Self

FRS/amb
Enclosures
cc: Parties of Record

DOCUMENT NUMBER-DATE
DOWNTOWN OFFICE, 215 South Monroe Street, Suite 701 • Tallahassee, Fl 32301 • Phone (850) 222-0720 • Fax (850) 222-0720
NORTHEAST OFFICE, 3116 Capital Circle, NE, Suite 5 • Tallahassee, Fl 32308 • Phone (850) 668-5246 • Fax (850) 668-5246
08752 SEP 16 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

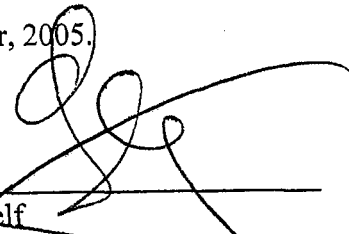
In re: Petition For Generic Proceeding)
To Set Rates, Terms, and Conditions For)
Batch Hot Cuts For UNE-P To UNE-L Conversions)
and for ILEC to UNE-L Conversions in the)
BellSouth Telecommunications, Inc. Service Area)

Docket No. 041338-TP
Filed: September 16, 2005

BIRCH'S NOTICE OF WITHDRAWAL

Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch ("Birch"), respectfully serves notice of its withdrawal of its participation, in the Joint Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine ("ITC^DeltaCom"), Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch ("Birch"), DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"), Florida Digital Network, Inc. ("FDN"), LecStar Telecom, Inc. ("LecStar"), MCImetro Access Transmission Services, LLC, and MCI WORLDCOM Communications, Inc. ("MCI"), and Network Telephone Corporation (hereinafter collectively "Joint CLECs"), to the Florida Public Service Commission ("Commission") for a generic proceeding to set rates, terms, and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in the BellSouth Telecommunications, Inc. ("BellSouth") service area in the above referenced docket (the "Joint Petition"). Birch's withdrawal applies only to Birch and does not apply to any of the remaining Joint CLECs in the Joint Petition.

Respectfully submitted this 16th day of September, 2005.



Floyd R. Self
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
Tallahassee, FL 32302
Phone: (850) 425-5213
Fax: (850) 224-4359

Counsel for Birch Telecom of the South, Inc. d/b/a
Birch Telecom and d/b/a Birch

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following parties by Electronic Mail this 16th day of September, 2005.

Felicia Banks, Esq.
General Counsel's Office, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Jeremy Susac, Esq.
General Counsel's Office, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Nancy B. White, Esq.
c/o Ms. Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

Nanette S. Edwards
ITC^DeltaCom
4092 S. Memorial Parkway
Huntsville, Alabama 35802

Vicki Gordon Kaufman
Moyle Flanigan Katz Raymond & Sheehan, P.A.
118 North Gadsden Street
Tallahassee, FL 32301

Charles E. (Gene) Watkins
Senior Counsel
Covad Communications Co.
1230 Peachtree Street NE, Suite 1900
Atlanta, Georgia 30309

Matt Feil
Florida Digital Network, Inc.
2301 Lucien Way, Suite 200
Maitland FL 32751-7025

LecStar Telecom, Inc.
Suite D-4200
4501 Circle 75 Parkway
Atlanta GA 30339-3025

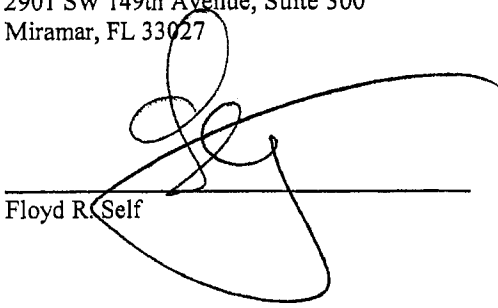
Donna McNulty
MCI WorldCom Communications, Inc.
1203 Governors Square Blvd., Suite 201
Tallahassee FL 32301-2960

Dulaney O'Roark
MCI WorldCom Communications, Inc.
6 Concourse Parkway, Suite 600
Atlanta, GA 30328

Mr. Angel Leiro
IDS Telcom, LLC
1525 NW 167th Street
Miami, Florida 33169

Ann H. Shelfer
Koger Center - Ellis Building
1311 Executive Center Drive, Suite 220
Tallahassee, FL 32301-5067

Brian Chaiken
Supra Telecommunications and Information Systems, Inc.
2901 SW 149th Avenue, Suite 300
Miramar, FL 33027



Floyd R. Self