

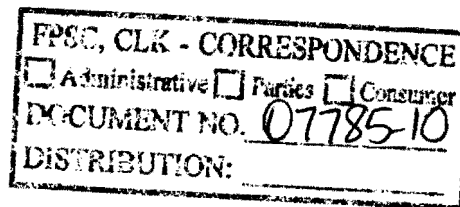
**Matilda Sanders**

PSC-10 - 0700 - CO - TP

100399-TP

From: Gloria Ross  
 Sent: Monday, November 29, 2010 10:47 AM  
 To: CLK - Orders / Notices  
 Cc: Pauline Evans; Adam Teitzman  
 Subject: Order / Notice Submitted

Date and Time: 11/29/2010 10:45:00 AM  
 Docket Number: 100399-TP  
 Filename / Path: I:\2010\100399\100399.CO.pere.doc



CONSUMMATING ORDER

*Gloria Ross*  
 Commission Deputy Clerk II  
 Office of the General Counsel  
 Florida Public Service Commission  
 850-413-6214

fax 1  
 mail 0  
 email 4

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 100399**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
American Fiber Network, Inc.		rob.heath@afnlt.com	No
Birch Telecom of the South, Inc.	TJ414	cbunce@birch.com	No
Cahill Gordon & Reindel LLP		acollins@cgrdc.com	No
CloseCall America, Inc	TX839	cschroeder@closecall.com	No

**Commission Clerk**

---

**From:** Commission Clerk  
**Sent:** Monday, November 29, 2010 2:09 PM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 839418)  
**Attachments:** 09602-10.pdf

*The attached order or notice has been issued by the Public Service Commission.*

*If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.*

*When replying, please do not alter the subject line; as it is used to process your reply.*

*Thank you.*

Matilda Sanders

PSC-16-0667-PAA-TP

100399-TP

From: Gloria Ross  
Sent: Tuesday, November 02, 2010 10:54 AM  
To: CLK - Orders / Notices  
Cc: Pauline Evans; Adam Teitzman  
Subject: Order / Notice Submitted

Date and Time: 11/2/2010 10:52:00 AM  
Docket Number: 100399-TP  
Filename / Path: I:\2010\100399\100399.paa.ord.grant.rule.waiver.birch.pere.doc

*Order corrected  
11/20 3:30  
mar*

**NOTICE OF PROPOSED AGENCY ACTION**  
**ORDER GRANTING REQUEST FOR WAIVER OF CARRIER SELECTION**  
**REQUIREMENTS OF RULE 25-4.118, F.A.C.**

*MCD  
LEC-10*

*fax 1  
mail 0  
email 14*

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <u>07185-10</u>		
DISTRIBUTION: _____		

*Gloria Ross*  
Commission Deputy Clerk II  
Office of the General Counsel  
Florida Public Service Commission  
850-413-6214

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 100399**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
American Fiber Network, Inc.		rob.heath@afnltc.com	No
AT&T Florida	TL720	greg.follensbee@att.com	Yes
Birch Telecom of the South, Inc.	TJ414	cbunce@birch.com	No
Cahill Gordon & Reindel LLP		acollins@cgrdc.com	No
CenturyLink	TL727	sandy.khazraee@centurylink.com	Yes
CloseCall America, Inc	TX839	cschroeder@closecall.com	No
FairPoint Communications	TL719	lwood@fairpoint.com	Yes
Frontier Communications of the South, LLC	TL732	susan.a.miller@ftr.com	Yes
ITS Telecommunications Systems, Inc.	TL712	donnam@itstelecom.net	Yes
NEFCOM	TL715	dnobles@townes.net	Yes
Smart City Telecom	TL731	lbhall@smartcity.com	Yes
TDS Telecom/Quincy Telephone	TL718	Thomas.mccabe@tdstelecom.com	Yes
Verizon Florida LLC	TL710	david.christian@verizon.com	Yes
Windstream Florida, Inc.	TL716	bettye.j.willis@windstream.com	Yes

## Commission Clerk

---

**From:** Commission Clerk  
**Sent:** Wednesday, November 03, 2010 3:33 PM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 816601)  
**Attachments:** 09147-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

11/3/2010

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 100399**

*100399-TP*

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
American Fiber Network, Inc.		rob.heath@afnltd.com	No
Birch Telecom of the South, Inc.	TJ414	cbunce@birch.com	No
Cahill Gordon & Reindel LLP		acollins@cgrdc.com	No
CloseCall America, Inc	TX839	cschroeder@closecall.com	No

*FAXED - 1  
MAILED - 0  
EMAILED - 4*

<b>FPS, CLK - CORRESPONDENCE</b>		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Comments
DOCUMENT NO.		<i>07785-10</i>
DISTRIBUTION:		

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

---

TO: Parties and Interested Persons  
FROM: Ann Cole, Commission Clerk, Office of Commission Clerk  
RE: Office of Filing of Staff Recommendation

---

Notice is being given that a staff recommendation has been filed with the Office of Commission Clerk for the upcoming Commission Conference Agenda. See attached page one for filing date, docket number, and document number information.

Complete staff recommendations for items on the agenda are available from the Commission's Web site <http://www.floridapsc.com> by selecting the **Agendas & Hearings** tab and then selecting **Commission Conference Agendas**. Vote sheets, transcripts, and minutes are also viewable once they become available. Records of Commission actions can also be viewed by selecting **Dockets & Filings, Dockets** and the docket number or document number.

I hope you find this information helpful. If you have any questions concerning this information, please feel free to contact the Office of Commission Clerk at (850) 413-6770.



State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

RECEIVED FPSC

10 OCT 14 AM 10:41

COMMISSION  
CLERK

## -M-E-M-O-R-A-N-D-U-M-

---

**DATE:** October 14, 2010

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Regulatory Analysis (M. Watts) *MW*  
Office of the General Counsel (P. Evans) *PE*

**RE:** Docket No. 100399-TP – Request for expedited waiver of carrier selection requirements of Rule 25-4.118, FAC, due to transfer of all assets and customers from American Fiber Network, Inc. and CloseCall America, Inc. to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications and Birch Communications, Inc.

**AGENDA:** 10/26/10 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\RAD\WP\100399.RCM.DOC

---

### Case Background

On September 15, 2010, Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications (Birch), a competitive local exchange telecommunications company (CLEC) and intrastate interexchange company (IXC), submitted a request for a waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code (F.A.C.), for the

DOCUMENT NUMBER DATE

18588 OCT 14 2010

FPSC-COMMISSION CLERK

## Commission Clerk

---

**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 372818)

**Attachments:** Recommendation 08588-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

10/15/2010

---

COMMISSIONERS:  
NANCY ARGENZIANO, CHAIRMAN  
LISA POLAK EDGAR  
NATHAN A. SKOP  
ART GRAHAM  
RONALD A. BRISÉ

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

Public Service Commission

September 17, 2010

**ADMINISTRATIVE**

Cahill Gordon & Reindel LLP  
Angela Collins  
Senior Attorney  
1990 K Street, N.W., Suite 950  
Washington, DC 20006

**Re: Docket No. 100399-TP**

Dear Ms. Collins:

This will acknowledge receipt of the request for expedited waiver of carrier selection requirements of Rule 25-4.118, FAC, due to transfer of all assets and customers from American Fiber Network, Inc. and CloseCall America, Inc. to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications and Birch Communications, Inc, which was filed in this office on September 15, 2010, and assigned the above-referenced docket number.

Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Office of Commission Clerk

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

RECEIVED - DATE

07785 SEP 17 2010

FPSC-COMMISSION CLERK

Section 1 - Office of Commission Clerk

Docket No. 100399-TP Date Docketed: 09/15/2010 Title: Request for expedited waiver of carrier selection requirements of Rule 25-4.118, FAC, due to transfer of all assets and customers from American Fiber Network, Inc. and CloseCall America, Inc. to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications and Birch Communications, Inc.

Company: American Fiber Network, Inc.  
 American Fiber Network, Inc.  
 Birch Communications, Inc.  
 Birch Communications, Inc.  
 Birch Telecom of the South, Inc. d/b  
 Birch Telecom of the South, Inc. d/b

FPSC, CLK - CORRESPONDENCE  
~~Administrative Parties Consumer~~  
 DOCUMENT NO. D 7785-10  
 DISTRIBUTION: \_\_\_\_\_

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM APA CLK ECR GCL PIF (RAD) SSC

("O" indicates OPR)

				X		X		
--	--	--	--	---	--	---	--	--

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module B7(b)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

Current CASR revision level

Due Dates  
 Previous Current

	1.			
	2.			
	3.			
	4.			
	5.			
	6.			
	7.			
Staff Counsel	8.			
	9.			
OCRs	10.			
	11.			
	12.			
	13.			
	14.			
	15.			
	16.			
	17.			
	18.			
	19.			
	20.			
	21.			
	22.			
	23.			
	24.			
	25.			
	26.			
	27.			
	28.			
	29.			
Recommended assignments for hearing and/or deciding this case:	30.			
	31.			
Full Commission ___ Commission Panel ___	32.			
Hearing Examiner ___ Staff ___	33.			
	34.			
Date filed with CLK: _____	35.			
	36.			
Initials OPR _____	37.			
Staff Counsel _____	38.			
	39.			
	40.			

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	GH	BI		

Prehearing Officer

Commissioners					ADM
AG	ED	SK	GH	BI	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_

Section 1 - Office of Commission Clerk

Docket No. 100399-TP Date Docketed: 09/15/2010 Title: Request for expedited waiver of carrier selection requirements of Rule 25-4.118, FAC, due to transfer of all assets and customers from American Fiber Network, Inc. and CloseCall America, Inc. to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications and Birch Communications, Inc.

Company: American Fiber Network, Inc.  
American Fiber Network, Inc.  
Birch Telecom of the South, Inc. d/b  
Birch Telecom of the South, Inc. d/b  
CloseCall America, Inc

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

("(") indicates OPR)

ADM	APA	CLK	ECR	GCL	PIF	(RAD)	SSC
				X		X	

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module B7(b)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

		Due Dates	
		Previous	Current
<u>OPR Staff</u>	<input type="checkbox"/> Current CASR revision level		
	1.		
	2.		
	3.		
	4.		
	5.		
	6.		
	7.		
<u>Staff Counsel</u>	8.		
	9.		
	10.		
<u>OCRs</u>	11.		
	12.		
	13.		
	14.		
	15.		
	16.		
	17.		
	18.		
	19.		
	20.		
	21.		
	22.		
	23.		
	24.		
	25.		
	26.		
	27.		
	28.		
	29.		
	30.		
<u>Recommended assignments for hearing and/or deciding this case:</u>	31.		
	32.		
<u>Full Commission</u> ___ <u>Commission Panel</u> ___	33.		
<u>Hearing Examiner</u> ___ <u>Staff</u> ___	34.		
	35.		
<u>Date filed with CLK:</u> _____	36.		
	37.		
<u>Initials</u> <u>OPR</u> _____	38.		
<u>Staff Counsel</u> _____	39.		
	40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	GH	BI		

Prehearing Officer

Commissioners					ADM
AG	ED	SK	GH	BI	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_

Section 1 - Office of Commission Clerk

Docket No. 100399-TP Date Docketed: 09/15/2010 Title: Request for expedited waiver of carrier selection requirements of Rule 25-4.118, FAC, due to transfer of all assets and customers from American Fiber Network, Inc. and CloseCall America, Inc. to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications and Birch Communications, Inc.

Company: American Fiber Network, Inc.  
 American Fiber Network, Inc.  
 Birch Telecom of the South, Inc. d/b  
 Birch Telecom of the South, Inc. d/b  
 CloseCall America, Inc

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM APA CLK ECR GCL PIF (RAD) SSC

("O" indicates OPR)

					X		X	
--	--	--	--	--	---	--	---	--

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module B7(b)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff	M Watts	0 Current CASR revision level	Due Dates	
			Previous	Current
		1. Staff Recommendation	NONE	10/14/2010
		2. Agenda	NONE	10/26/2010
		3. PAA Order	NONE	11/15/2010
		4. Close Docket or Revise CASR	NONE	12/15/2010
		5.		
		6.		
		7.		
Staff Counsel	A Teitzman	8.		
		9.		
		10.		
OCRs		11.		
		12.		
		13.		
		14.		
		15.		
		16.		
		17.		
		18.		
		19.		
		20.		
		21.		
		22.		
		23.		
		24.		
		25.		
		26.		
		27.		
		28.		
		29.		
Recommended assignments for hearing and/or deciding this case:		30.		
		31.		
Full Commission <u>X</u> Commission Panel _____		32.		
Hearing Examiner _____ Staff _____		33.		
		34.		
		35.		
Date filed with CLK: <u>10/04/2010</u>		36.		
		37.		
Initials OPR _____		38.		
Staff Counsel _____		39.		
		40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	GH	BI		
X							

Prehearing Officer

Commissioners					ADM
AG	ED	SK	GH	BI	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: AG/mm  
 Date: 10/04/2010