

agreement is not consistent with the public interest, convenience, and necessity.¹ Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously. The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing. The Commission also finds that notice of this application shall be sent to all interexchange and local exchange telecommunications companies.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. Birch Telecom of Missouri, Inc., d/b/a Birch Communications is made a party to this case.
3. Any party wishing to request a hearing shall do so by filing a pleading no later than January 29, 2009, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Larry W. Dority
Fischer & Dority, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101

¹ 47 U.S.C. § 252(e).

Birch Communications
Attn: Karen Bollerman
2300 Main Street, Suite 600
Kansas City, Missouri 64108

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than February 9, 2009.

5. This order shall become effective on January 9, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 9th day of January, 2009.