NEWMAN, COMLEY & RUTH

ROBERT K. ANGSTEAD ROBERT J. BRUNDAGE MARK W. COMLEY CATHLEEN A. MARTIN STEPHEN G. NEWMAN JOHN A. RUTH PROFESSIONAL CORPORATION ATTORNEYS AND COUNSELORS AT LAW MONROE BLUFF EXECUTIVE CENTER 601 MONROE STREET, SUITE 301 P.O. BOX 537 JEFFERSON CITY, MISSOURI 65102-0537 www.nerpc.com March 10, 2004

TELEPHONE: (573) 634-2266 Facsimile: (573) 636-3306

The Honorable Dale Hardy Roberts Secretary/Chief Regulatory Law Judge Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102-0360 FILED⁴ Mar 1 0 2004

Missouri Public Service Commission

Re: Case No. TO-2004-0207

Dear Judge Roberts:

The rebuttal testimony of John M. Ivanuska was filed by this office on March 1, 2004 with a facsimile affidavit. Mr. Ivanuska's original affidavit is now available and I enclose the original and five copies to complete the filing.

Please contact me if you have any questions regarding this matter. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

Mark W. Comley comleym@ncrpc.com

MWC:ab Enclosure

cc: Office of Public Counsel General Counsel's Office Counsel of record

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

)

)

In the Matter of a Commission Inquiry into the Possibility of Impairment without Unbundled Local Circuit Switching When Serving the Mass Market.

Case No. TO-2004-0207

AFFIDAVIT OF JOHN M. IVANUSKA

MAR 1 0 2004

Missouri Public Service Commission

STATE OF MISSOURI) ss. COUNTY OF Julesm'

I, John M. Ivanuska, of lawful age, and being duly sworn, do hereby depose and state:

1. My name is John M. Ivanuska. I am presently Vice President of Carrier Relations and Interconnection for Birch Telecom, Inc.

2. Attached hereto and made a part hereof for all purposes is my rebuttal testimony.

3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my personal knowledge, information and belief.

John M. Ivanuska

Subscribed and sworn to before me, a Notary Public, this 1st day of March, 2004.

BARBARA P. FILLINGER Notary Public-Notary Seal State Of Missouri Commissioned In Jackson County My Commission Expires: June 6, 2004 My Commission Expires.

bara P. Fillinger

Notary Public

me 6, 2000