

**Before the
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of)

Application of Birch Telecom of Missouri,)
Inc. dba NOW Communications as an)
Eligible Telecommunications Carrier in the)
State of Missouri for the Limited Purpose of)
Offering Lifeline Service to Qualified)
Households)

File No. TA-2013-0314

**BIRCH TELECOM OF MISSOURI, INC. DBA NOW COMMUNICATIONS'
RESPONSE TO STAFF REPLY**

Birch Telecom of Missouri, Inc. dba NOW Communications ("Birch"), by its attorneys, respectfully submits this Response to Staff Reply pursuant 4 CSR 240-2.080(13).

1. On or about November 13, 2012, Birch applied to the Missouri Public Service Commission ("Commission") for designation as a wireless ETC in Missouri for the sole purpose of receiving federal universal service Lifeline support.

2. On December 12, 2012, Staff filed its reply to prior Commission order indicating that it does not expect to be able to develop and submit a recommendation for six to nine months, citing the general need to conduct discovery and for Staff and FCC review.

3. A six to nine month delay in these proceedings seems unduly prolonged and would negatively impact the company.

4. Birch respectfully requests the Commission to defer issuing an order allowing Staff to take up to nine months to file its recommendation, and allow Birch to discuss this matter further with Staff.

WHEREFORE, Birch hereby requests the Commission to defer ruling on Staff's proposed recommendation due date.

Respectfully submitted,

**BIRCH TELECOM OF MISSOURI, INC.
DBA NOW COMMUNICATIONS**

s/ Carl J. Lumley

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Dated: December 13, 2012

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing has been served by forwarding the same by electronic mail and/or first class mail, postage prepaid this 13th day of December, 2012 to the following:

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s/ Carl J. Lumley
