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July 15, 2004

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

FILED

JUL 15 2004

**Missouri Public
Service Commission**

Re: Case No. TC-2003-0547

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of Birch Telecom of Missouri, Inc.'s Withdrawal from and Separate Dismissal of Its Complaint.

Would you please bring this filing to the attention of the appropriate Commission personnel.

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

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: General Counsel's Office
Office of Public Counsel
Carl Lumley
Bob Gryzmala
Rebecca B. DeCook
Katherine K. Mudge
Rose Mulvany Henry

BEFORE THE PUBLIC SERVICE COMMISSION

FILED

JUL 15 2004

Birch Telecom of Missouri, Inc., AT&T
Communications of the Southwest, Inc.,
TCG Kansas City, Inc. and TCG St. Louis, Inc.

**Missouri Public
Service Commission**

V.

Cause No. TC-2003-0547

Southwestern Bell Telephone, L.P. d/b/a
SBC Missouri

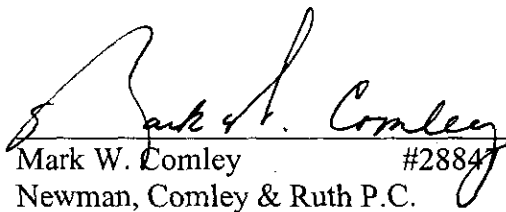
**BIRCH TELECOM OF MISSOURI, INC.'S WITHDRAWAL FROM
AND SEPARATE DISMISSAL OF ITS COMPLAINT**

COMES NOW Birch Telecom of Missouri, Inc. ("Birch"), by and through its attorneys, and having reached a full and complete settlement with the Respondent, Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, of all the issues giving rise to the instant complaint only, does, pursuant to 4 CSR 240-2.116(1), withdraw as a party-complainant in this matter, and does separately, without prejudice to the claims of any co-complainant herein, dismiss its complaint against the Respondent; further requesting that its separate dismissal of the complaint against the Respondent be deemed with prejudice.

Respectfully submitted,

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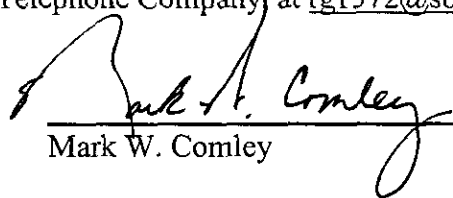

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ATTORNEYS FOR BIRCH TELECOM OF
MISSOURI, INC.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 15th day of July, 2004, to General Counsel's Office at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us; and, Robert J. Gryzmala, , Southwestern Bell Telephone Company, at rg1572@sbc.com


Mark W. Comley