

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 24th day
of June, 2009.

In the Matter of the Application of Birch Telecom)
of Missouri, Inc., d/b/a Birch Communications, and)
Now Communications, Inc., Known in Missouri as)
Now Communications, Incorporated of Delaware,)
d/b/a Cleartel Communications, for Transfer of)
Customer Base.)

File No. TM-2009-0411
Tariff No. YC-2009-0852

**ORDER APPROVING APPLICATION TO TRANSFER ASSETS
AND APPROVING TARIFFS**

Issue Date: June 24, 2009

Effective Date: July 3, 2009

This order grants the application for a transfer of assets of Birch Telecom of Missouri, Inc., d/b/a Birch Communications, and Now Communications, Inc., known in Missouri as Now Communications, Incorporated of Delaware, d/b/a Cleartel Communications. The applicants seek authority to transfer certain assets owned by NOW to Birch including approximately 200 prepaid local service customers and their records. In addition, the order approves the tariffs designed to implement the transfer.

On May 14, 2009, NOW and Birch applied for authority under Section 392.300, RSMo 2000, to sell the assets listed in Exhibit E to the application, which among other items includes the 200 prepaid local service customers, related data, databases, and customer records needed to support the provision of telecommunications services to those subscribers. Birch will provide the same services, under the same rates, terms and conditions as those customers currently receive. Other than a minor change to voicemail

service, customers will have a seamless transition of service. A written notice of the transfer and the customer's ability to change subscribers has been mailed to the customers and was attached to the application as Exhibit G. No tax revenues will be affected by the sale.

Birch also submitted revised tariff pages on June 3, 2009, in order to implement the provisions of the transfer. Those tariff sheets were amended on June 17, 2009, to include an effective date which was at least thirty days from the issue date. Those tariffs are proposed to become effective on July 3, 2009.

The Staff of the Commission filed a recommendation regarding the transfer of assets on June 1, 2009. On June 19, 2009, Staff filed a recommendation regarding the tariffs. Staff has reviewed the application for transfer of assets and recommended that the transaction be approved. Staff stated that it does not believe that this transaction will be detrimental to the public interest. In addition, Staff recommended that the tariff pages be approved, as amended, to become effective on July 3, 2009.

The Commission has reviewed the verified application, the tariff sheets, and the recommendations of Staff. The Commission finds that the transaction is not detrimental to the public interest and shall be approved. In addition, the Commission shall approve the tariff sheets, as amended.

THE COMMISSION ORDERS THAT:

1. The Application for Authority to Transfer Assets filed by Birch Telecom of Missouri, Inc., d/b/a Birch Communications, and Now Communications, Inc., known in Missouri as Now Communications, Incorporated of Delaware, d/b/a Cleartel Communications on May 14, 2009, is approved.

2. The tariff sheets filed by Birch Telecom of Missouri, Inc., d/b/a Birch Communications, as Tariff File No. YC-2009-0852 are approved for service on and after July 3, 2009. The tariff sheets approved are:

PSC MO No. 3

**14th Revised Sheet No. 4, Cancels 13th Revised Sheet No. 4
3rd Revised Sheet No. 4.01, Cancels 2nd Revised Sheet No. 4.01
Original Sheet No. 63.47**

3. This order shall become effective on July 3, 2009.
4. This file may be closed on July 4, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge