

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of)
CenturyTel of Missouri, LLC for Approval)
Of Resale Agreement with Birch Telecom)
of Missouri, Inc., d/b/a Birch)
Communications under 47 U.S.C. § 252.)

Case No. _____

**APPLICATION OF CENTURYTEL OF MISSOURI, LLC
FOR APPROVAL OF RESALE AGREEMENT WITH
BIRCH TELECOM OF MISSOURI, INC.,
D/B/A BIRCH COMMUNICATIONS**

COMES NOW CenturyTel of Missouri, LLC ("CenturyTel" or "Applicant"), pursuant to Missouri Public Service Commission ("Commission") Rule 4 CSR 240-3.513(1), and hereby applies for approval by the Commission of the accompanying Resale Agreement ("Agreement") voluntarily entered into by Applicant and Birch Telecom of Missouri, Inc., d/b/a Birch Communications ("Birch") pursuant to the federal Telecommunications Act of 1996 (the "Act") under 47 U.S.C. § 252(e).

1. CenturyTel is a Louisiana limited liability corporation that is duly authorized to do business in the state of Missouri. Copies of CenturyTel's Certificate of Authority to transact business in Missouri from the Missouri Secretary of State were filed in Case No. TM-2002-232, and are incorporated herein by reference pursuant to Commission Rule 4 CSR 240-2.060(1)(G). CenturyTel is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those terms are defined in Section 386.020, RSMo. 2000.

2. The Commission granted Birch a certificate of service authority to provide basic local exchange telecommunications services in designated portions of Missouri in Case No. TA-97-372.

3. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

Larry W. DORITY
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383

4. Applicant has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

In support of this Application, Applicant states the following:

I. AGREEMENT REACHED

Applicant presents to this Commission for approval the attached Resale Agreement By and Between CenturyTel of Missouri, LLC and Birch Telecom of Missouri, Inc., d/b/a Birch Communications For the State of Missouri ("Agreement") that was negotiated and executed pursuant to the terms of the Act. Following good faith negotiations to address all of the complex issues involved in such an agreement, the parties signed the Agreement on November 20, 2008, and hereby file the Agreement with all pages sequentially numbered. There are no outstanding issues between the parties to the Agreement that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

Applicant seeks the Commission's approval of the Agreement, consistent with the provisions of the Act. Applicant believes that the implementation of this Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier. The Agreement promotes interconnectivity and diversity in providers, and will increase customer choices for telecommunications services.

Applicant respectfully requests that the Commission grant approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiation and compromise between the Applicant and Birch.

III. STANDARD FOR REVIEW

The statutory standards of review are set forth in Section 252(e) of the Act, which provides:

(e) APPROVAL BY STATE COMMISSION

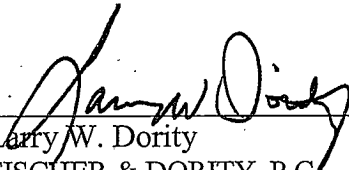
- (1) **APPROVAL REQUIRED.** – Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) **GROUND FOR REJECTION.** – The State Commission may only reject –
 - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

IV. MISSOURI LEGISLATION

The negotiated and executed Agreement is consistent with Missouri Senate Bill 507, which became effective on August 28, 1996.

WHEREFORE, CenturyTel of Missouri, LLC respectfully requests the Commission to enter an Order approving the attached Resale Agreement with Birch Telecom of Missouri, Inc., d/b/a Birch Communications.

Respectfully submitted,



Larry W. Dority MBN 25617
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-mail: lwdority@sprintmail.com

Attorneys for CenturyTel of Missouri, LLC

VERIFICATION

STATE OF MISSOURI

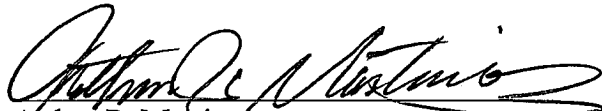
)

) SS

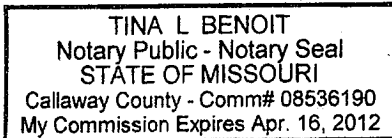
COUNTY OF COLE


)

I, Arthur P. Martinez, of lawful age, being first duly sworn upon my oath, state that I am the Director Government Relations, CenturyTel, and that I am authorized to make this verification on behalf of Applicant; and that the facts set forth in the foregoing Application are true to the best of my knowledge, information and belief.


Arthur P. Martinez

Subscribed and sworn to before me this 6th day of January, 2009.




Notary Public

My Commission expires:

April 16, 2012

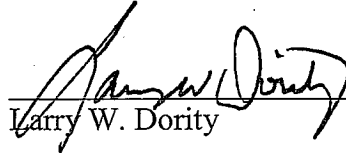
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 6th day of January, 2009, to:

Office of the Public Counsel
200 Madison Street
Jefferson City, MO 65101
opcservice@ded.mo.gov

Kevin Thompson, General Counsel
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65101
Gencounsel@psc.mo.gov

Birch Telecom of Missouri, Inc., d/b/a
Birch Communications
Attn.: Sharyl Fowler
Senior Regulatory Analyst
4885 Riverside Drive, Suite 304
Macon, GA 31210
Sharyl.Fowler@birch.com



Larry W. Dority