

**SBC Midwest/West/East/Southwest
CLEC
Self Certification Form on Non-Impaired Wire Centers**

CLEC Name: Birch Telecom, Inc.

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Certified to operate in: _____ Arkansas, _____ California, _____ Connecticut,
_____ ☒ Kansas, _____ Illinois, _____ Indiana, _____ Michigan, _____ ☒ Missouri,
_____ Ohio, _____ ☒ Oklahoma, _____ Nevada, _____ ☒ Texas, _____ Wisconsin

Self Certification of Non-Impaired Wire Centers

The FCC's Triennial Review Remand Order (TRRO), FCC 04-290, released February 4, 2005, at paragraph 234, requires that "to submit an order to obtain a high capacity loop or transport UNE, a requesting carrier must undertake a *reasonably diligent inquiry* and, based on that inquiry, self-certify that, to the best of its knowledge, its request is consistent with the requirements discussed in parts IV, V, and VI above and that it is therefore entitled to unbundled access to the particular network elements sought pursuant to section 251(c)(3)."

SBC has filed with the FCC lists of Tier 1, 2 and 3 wire centers pertaining to unbundled transport and lists specific to DS1 loop and DS3 loops. These lists provide wire centers that meet the FCC's criteria for non-impairment as outlined in Rule 51.319. In addition, SBC also has made available for CLEC review, in Washington, D.C. and in the 13 states where the SBC ILECs are located, further data and information, specified by wire center that shows the basis upon which SBC has compiled that list. All of this information was made available pursuant to and subject to the FCC's Protective Order in WC Docket 04-313 and CC Docket No. 01-338.

Notwithstanding these lists and data, Birch believes that it is nonetheless still eligible to receive dedicated DS1, DS3 and dark fiber transport in wire centers that SBC has identified on the Tier 1 and/or Tier 2 lists that are no longer eligible under the TRRO or that it is eligible to receive DS1 and DS3 loops in wire centers that SBC has identified are no longer eligible. In support of this self certification, please see Attachment A, attached hereto. Accordingly, Birch certifies that it has undertaken a reasonably diligent inquiry, pursuant to ¶ 234 of the TRRO, to determine if its request is consistent with the requirements of parts IV, V, VI of the TRRO, and that to the best of its knowledge Birch is eligible to receive these UNEs in each wire center in Texas, Missouri, Oklahoma and Kansas, identified as non-impaired in the Tier 1, 2 and 3 wire centers reviewed by Birch and referenced in the preceding paragraph.

SIGNATURE _____

DATE _____

04-08-05