



March 9, 2005

Via Electronic Mail Transmission and Overnight Delivery

Mr. Larry Cooper
Regional Vice President --
Account Management West & SW
SBC Telecommunications, Inc.
Four SBC Plaza, Room 840
Dallas, Texas 75202

RE: Birch Notification of Self Certification

Dear Mr. Cooper:

Birch has reviewed the information filed by SBC at the FCC (and in Texas, with the state PUC). Our review raises significant questions about how the SBC defined 'fiber-based collocater' and how SBC conducted its business line counts (e.g., how did SBC get the wire center-level data if statewide ARMIS data was being used). The extent of de-listing designated by SBC is rather surprising given how little de-listing USTA told the D.C. Circuit would occur under the *TRRO*. Based on what we have seen Birch cannot verify the data.

In order for Birch to complete its 'diligent inquiry,' we need more information about the data and assumptions underlying the SBC wire center designations. We believe that could be completed for Texas, Kansas, Oklahoma and Missouri if SBC provided us answers to a limited number of questions about its wire center designations for each state (*See questions attached*). With this additional information, Birch could verify (or not) the SBC designations provided thus far.

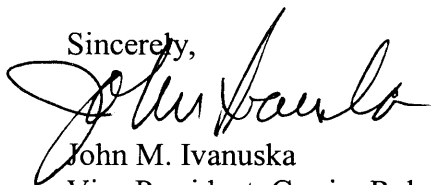
At this juncture, our reasonably diligent inquiry leads us to conclude that Birch is justified in placing orders for high capacity loop and transport UNEs, consistent with the self certification process outlined in the FCC's *TRRO*, unless and until SBC prevails on a dispute regarding any specific UNE order. *TRRO* Paragraph 234 says the ILEC has to provision high capacity loop and transport orders as UNEs, and that the ILEC must identify any provisioned UNEs it plans to dispute.

This letter shall serve as Birch's notification to SBC that Birch intends to invoke the self certification provisions of the *TRRO* for any and all high capacity loops and transport

UNE orders submitted to SBC on and after March 11, 2005 in Texas, Kansas, Oklahoma and Missouri, and that Birch will continue to submit such orders under the self certification process unless and until SBC provides the requested information to the questions attached and Birch is able to validate (or not) the same.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Ivanuska", written over the word "Sincerely,".

John M. Ivanuska
Vice President, Carrier Relations & Interconnection
Birch Telecom, Inc.
816-300-3342 (ofc)
913-908-6371 (cell)

cc: Glen Sirles
Teresa Rentschler

Encl.

REQUESTS TO SBC REGARDING IDENTIFICATION OF

“QUALIFYING” WIRE CENTERS/CLLI CODES

1-8. In electronic spreadsheet form, provide the following information for each wire center in Texas for the most recent month for which information is available (please specify the month):

1. The CLLI of the wire center.
 2. The number of switched business lines served by SBC.
 3. The number of UNE-P lines used to serve business customers.
 4. The number of analog UNE-L lines in service.
 5. The number of DS-1 UNE-L lines in service.
 6. The number of DS-3 UNE-L lines in service.
 7. The number of resold lines used to serve business customers.
 8. The number of independent fiber-optic networks (or comparable transmission facilities) terminating in a collocation arrangement in that wire center.
9. Are there any lines counted by SBC in determining the categorization of a wire center with respect to SBC's unbundling obligations under the TRRO that are not included in Questions 1 through 8 above? If yes, please identify the type of line not listed in response to Questions 1-8 above and the number of such lines in each wire center.
10. Are there any lines counted by SBC in determining the categorization of a wire center with respect to SBC's unbundling obligations under the TRRO that are not included in the response to Questions 1 through 8 above? If yes, please identify the type of line not listed in 1-8 above and the number of such lines in each wire center.
11. How does SBC determine whether a collocater independently “operates a fiber-optic cable or comparable transmission facility” for purposes of identifying a “fiber-based collocater” as defined in 47 C.F.R. Section 51.5?
12. Does SBC lease fiber on an indefeasible right of use (IRU) basis to a carrier that it counts as a fiber-based collocater for any wire center in Texas? If yes, indicate the wire centers and list the carriers leasing facilities under such IRU.
13. What methodology did SBC employ to assure that only UNE-L capacity used to provide switched services was included in determining the business line count for each wire center?
14. In determining the number of switched business lines in a particular wire center, what methodology did SBC employ to count PBX trunks and Centrex lines?