



April 1, 2005

Mr. John Ivanuska
Birch Telecom
2020 Baltimore Avenue
Kansas City, MO 64108-1914

Dear John:

This is in response to your March 18 fax transmission, notifying SBC of Birch Telecom's self-certification pursuant to Paragraph 234 of the FCC's Triennial Review Remand Order (TRRO) in the SBC states of Kansas, Missouri, Oklahoma and Texas in all wire centers in those states.

While your letter does not appear to comply with the intent of the FCC's TRRO, the SBC ILECs will, except as noted below, process your orders for affected UNEs in those states in the identified wire centers. However, please take notice that SBC challenges the sufficiency of your self-certification and reserves the right to dispute your self-certification as to one or more of the identified wire centers, as well as the propriety of your orders for DS1s and DS3s (whether loop or transport), or dark fiber transport facilities that are no longer required to be provided on an unbundled basis, pursuant to Rules 51.319(a)(4), (a)(5), or 51.319(e).

With respect to Missouri, however, your self-certification is insufficient. As you are aware, on March 17, 2005, the Missouri Public Service Commission ("Commission") issued its *Order Regarding Continued Provisioning of Service* in Case No. TC-2005-0294 (the "Missouri Order"). The Missouri Order requires SBC Missouri to process requests for UNEs when the requesting carrier has self-certified. However, the self-certification must be made in good faith and must clearly set forth the reasons why the requesting carrier believes its request is

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consistent with the requirements set out in parts IV, V, and VI of the TRRO. The Commission specified:

A mere statement that the requesting carrier believes it is entitled to unbundled access to a particular network element is not sufficient. Nor is a simple recitation of the documents that the requesting carrier has reviewed. The requesting carrier must: (A) describe its diligent inquiry; and (B) explain how that inquiry leads it to believe that it is entitled to unbundled access to a particular network element. If a requesting carrier does not fulfill these two requirements, SBC Missouri is not obligated to process the request.¹

As indicated above, your self-certification letter does not comply with the requirements of the Missouri Order. Therefore, if the additional information required by the Missouri Order is not received by April 11, 2005, SBC-Missouri may begin rejecting orders for DS1s and DS3s (whether loop or transport) or dark fiber transport facilities in the identified unimpaired wire centers.

If you have any questions, please contact me on 214-464-8525.

Sincerely,

Teresa A. Rentschler
Account Manager

¹ Missouri Order, p. 4.