

**Dorothy Menasco**

**From:** Feil, Matthew [MFeil@gunster.com]  
**Sent:** Thursday, December 29, 2011 12:59 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lee Eng Tan; 'aklein@kleinlawpllc.com'; 'Sherr, Adam'; 'de.oroark@verizon.com'; 'janewhang@dwt.com'; 'Chris.bunce@birch.com'; 'Edward.Krachmer@windstream.com'; 'Eric.branfman@bingham.com'; 'rcurrier@granitenet.com'; 'Foley, Paula'; 'Carolyn.Ridley@twtelecom.com'; 'kris.shulman@xo.com'; 'marsha@reuphlaw.com'; 'David.Christian@verizon.com'; 'Richard.brown@accesspointinc.com'; 'John.greive@lightyear.net'; 'mike@navtel.com'; 'John.messenger@paetec.com'; 'Philip.macres@bingham.com'; 'Greg.diamond@level3.com'; 'dbailey@bullseyetelecom.com'; 'azoracki@kleinlawpllc.com'; Brenda Merritt; 'bettye.j.willis@windstream.com'; 'agold@acgoldlaw.com'; 'Susan.Masterton@CenturyLink.com'; Galloway, Cecilia (Cissy)  
**Subject:** RE: PSC Filing Docket No. 090538-TP - Birch Communicaitons Inc. Notice of Serving First Supplement to its Response to Staff Interrogatory No. 7  
**Attachments:** Notice of BCI AIN First Supp to Staff Int 7.pdf

The attached is an electronic filing for the docket referenced below. If you have any questions, please contact Matt Feil at the number below. Thank you.

**Person Responsible for Filing:**

Matthew Feil  
 Gunster Law Firm  
 215 South Monroe Street, Suite 601  
 Tallahassee, FL 32301  
 Direct: 850-521-1708  
 Main: 850-521-1980  
[mfeil@gunster.com](mailto:mfeil@gunster.com)

**Docket Name and Number:** Docket No. 090538-TP – Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

**Filed on Behalf of:** Birch Communications, Inc.

**Total Number of Pages:** 5

**Description of Documents:** Birch Communications, Inc's Notice of Serving its First Supplement to its Response to Staff Interrogatory No. 7

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. Click the following hyperlink to view the complete Gunster IRS Disclosure & Confidentiality note.

<http://www.gunster.com/terms-of-use/>

12/29/2011

DOCUMENT NUMBER-DATE

09188 DEC 29 =

FPSC-COMMISSION CLERK



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

Writer's Direct Dial Number: 850-521-1708  
Writer's E-Mail Address: MFeil@gunster.com

December 29, 2011

**VIA ELECTRONIC-FILING**

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 090538-TP - Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.**

Dear Ms. Cole:

Enclosed is Birch Communications, Inc.'s Notice of Serving its First Supplement to its Response to Staff's Interrogatory No. 7 in the above referenced docket submitted by electronic mail.

Thank you for your assistance in this matter.

Sincerely,  
  
Matthew J. Feil

MJF/ccg

Enclosures

09188 DEC 29 =  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Amended Complaint of Qwest Communications }  
Company, LLC against MCImetro Access Transmission } Docket No. 090538-TP  
Services (d/b/a Verizon Access Transmission }  
Services); XO Communications Services, Inc.; }  
tw telecom of florida, l.p.; Granite Telecommunications, } Filed: December 29, 2011  
LLC; Broadwing Communications, LLC; Access }  
Point, Inc.; Birch Communications, Inc.; Budget }  
Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; }  
Ernest Communications, Inc.; Flatel, Inc.; Lightyear }  
Network Solutions, LLC; Navigator Telecommunications, }  
LLC; PaeTec Communications, Inc.; STS Telecom, LLC; }  
US LEC of Florida, LLC; Windstream Nuvox, Inc.; }  
and John Does 1 through 50, for unlawful }  
discrimination. }

**BIRCH COMMUNICATIONS, INC.'S NOTICE OF SERVING ITS FIRST  
SUPPLEMENT TO ITS  
RESPONSE TO STAFF'S INTERROGATORY NO. 7**

Birch Communications, Inc. f/k/a Access Integrated Networks, Inc. ("BCI/AIN", or "the Company"), by and through its undersigned counsel, hereby gives notice that the Company has served its first supplement to its response to Staff's Interrogatory No. 7 by electronic mail and/or U.S. Mail to Ms. Lee Ang Tan of the Florida Public Service Commission Staff. Copies of the response have been provided to parties consistent with the attached Certificate of Service.

This notice is respectfully submitted by electronic mail the 29th day of December, 2011.



**Matthew J. Feil**  
Gunster, Yoakley & Stewart, P.A.  
215 S. Monroe Street, Suite 601  
Tallahassee, Florida 32301  
Telephone: (850) 521-1980  
Facsimile: (850) 576-0902

DOCUMENT NUMBER-DATE  
09188 DEC 29 =  
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 29<sup>th</sup> day of December, 2011.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <a href="mailto:ltan@psc.state.fl.us">ltan@psc.state.fl.us</a>	Eric J. Branfman/Philip J. Macres Bingham Law Firm 2020 K Street, NW Washington, DC 20006 <a href="mailto:eric.branfman@bingham.com">eric.branfman@bingham.com</a> <a href="mailto:Philip.macres@bingham.com">Philip.macres@bingham.com</a>
Mr. Chris Bunce Birch Communications, Inc. 2300 Main Street, Suite 600 Kansas City, MO 64108-2415 <a href="mailto:Chris.bunce@birch.com">Chris.bunce@birch.com</a>	Mr. Greg Diamond Broadwing Communications, Inc. c/o Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021-8869 <a href="mailto:Greg.Diamond@level3.com">Greg.Diamond@level3.com</a>
Richard Brown Access Point, Inc. 1100 Crescent Green, Suite 109 Cary, NC 27511 <a href="mailto:Richard.brown@accesspointinc.com">Richard.brown@accesspointinc.com</a>	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 <a href="mailto:dbailey@bullseyetelecom.com">dbailey@bullseyetelecom.com</a>
Adam C. Gold, P.A. 1501 Sunset Drive, 2 <sup>nd</sup> Floor Coral Gables, FL 33143 <a href="mailto:agold@acgoldlaw.com">agold@acgoldlaw.com</a>	Paula W. Foley One Communication – Earthlink 5 Wall Street Burlington, MA 01803 <a href="mailto:pfoley@corp.earthlink.com">pfoley@corp.earthlink.com</a>
Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511	Flatel, Inc. Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307
Granite Telecommunications, LLC 100 Newport Avenue Extension Quincy, MA 02171-1734 <a href="mailto:rcurrier@granitenet.com">rcurrier@granitenet.com</a>	Andrew M. Klein/Allen C. Zoracki Klein Law Group 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 <a href="mailto:AKlein@kleinlawPLLC.com">AKlein@kleinlawPLLC.com</a> <a href="mailto:azoracki@kleinlawpllc.com">azoracki@kleinlawpllc.com</a>

<p>John Greive  Lightyear Network Solutions, LLC  1901 Eastpoint Parkway  Louisville, KY 40223-4145  <a href="mailto:john.greive@lightyear.net">john.greive@lightyear.net</a></p>	<p>Michael McAlister  Navigator Telecommunications, LLC  P.O. Box 13860  North Little Rock, AR 72113-0860  <a href="mailto:mike@navtel.com">mike@navtel.com</a></p>
<p>John B. Messenger  PaeTec Communications, Inc.  One PaeTec Plaza  600 Willowbrook Office Park  Fairport, NY 14450-4233  <a href="mailto:john.messenger@paetec.com">john.messenger@paetec.com</a></p>	<p>Susan S. Masterton, Esq.  CenturyLink QCC  315 S. Calhoun Street, Suite 500  Tallahassee, FL 32301  <a href="mailto:susan.masterton@centurylink.com">susan.masterton@centurylink.com</a></p>
<p>Adam L. Sherr  Qwest Communications Company, LLC  1600 7th Avenue, Room 1506  Seattle, WA 98191  <a href="mailto:Adam.Sherr@centurylink.com">Adam.Sherr@centurylink.com</a></p>	<p>Marsha Rule  Rutledge Law Firm  Post Office Box 551  Tallahassee, FL 32302  <a href="mailto:marsha@reuphlaw.com">marsha@reuphlaw.com</a></p>
<p>Ms. Kristin U. Shulman  XO Communications  810 Jorie Blvd., Suite 200  Oak Brook, IL 60523  <a href="mailto:kris.shulman@xo.com">kris.shulman@xo.com</a></p>	<p>Brenda Merritt  Division of Regulatory Analysis  Florida Public Service Commission  2540 Shumard Oak Boulevard  Tallahassee, FL 32399  <a href="mailto:bmerritt@psc.state.fl.us">bmerritt@psc.state.fl.us</a></p>
<p>Dulaney L. O'Roark III  Verizon  5055 North Point Parkway  Alpharetta, GA 30022  678-259-1657 (phone)  678-259-5326 (fax)  <a href="mailto:de.oroark@verizon.com">de.oroark@verizon.com</a></p>	<p>Ms. Carolyn Ridley  tw telecom of florida l.p.  2078 Quail Run Drive  Bowling Green, KY 42104  <a href="mailto:Carolyn.Ridley@twtelecom.com">Carolyn.Ridley@twtelecom.com</a></p>
<p>Alan C. Gold, P.A.  1501 Sunset Drive 2<sup>nd</sup> Floor  Coral Gables, FL 33143  <a href="mailto:agold@acgoldlaw.com">agold@acgoldlaw.com</a></p>	<p>Mr. David Christian  Verizon Access Transmission Services  106 East College Avenue, Suite 710  Tallahassee, FL 32301-7721  <a href="mailto:david.christian@verizon.com">david.christian@verizon.com</a></p>

Ed Krachmer  
Windstream NuVox, Inc.  
4001 Rodney Parham Road  
MS: 1170-B1F03-53A  
Little Rock, AR 72212  
[Edward.Krachmer@windstream.com](mailto:Edward.Krachmer@windstream.com)

James White  
Windstream NuVox, Inc.  
4651 Salisbury Road, Suite 151  
Jacksonville, FL 32256-6187  
[Bettye.j.willis@windstream.com](mailto:Bettye.j.willis@windstream.com)

By:   
Matthew Feil, Esq.