



RECEIVED-FPSC

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COMMISSION
CLERK

080521

August 1, 2008
Via Overnight Service

2600 Maitland Center Pkwy.
Suite 300
Maitland, FL 32751
P.O. Drawer 200
Winter Park, FL
32790-0200
Tel: 407-740-8575
Fax: 407-740-0613
www.tminc.com

Ms. Ann Cole, Commission Clerk
Office of Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Joint Petition for Waiver of Slamming Rules

Dear Ms. Cole:

Attached please find the original and three (3) copies of the Petition for Authority to Transfer Assets submitted on behalf of Access Integrated Networks, Inc., d/b/a Birch Communications ("Birch") in connection with a partial customer base transfer from Navigator Telecommunications, LLC ("Navigator") to Birch. The Parties hereby notify the Commission of their entry into an agreement whereby Birch will acquire certain presubscribed business and residential customers in Florida from Navigator.

Affected customers will not experience any other changes with respect to their current regulated services and only a minor change to their non-regulated voice mail service. The proposed transfer will affect approximately 43 presubscribed business customers and 41 presubscribed residential customers in the State of Florida. The date for the customer transfer is scheduled to begin on or after October 1, 2008 based on Commission approval. Once the transaction is consummated, Birch will provide local and/or long distance service to these customers.

If a former Navigator customer were to file an inquiry after the transfer, the Commission staff should contact Sharyl Fowler of Birch as the current carrier, preferably with a copy to Navigator. I would then work with Michael McAlister who is the Navigator contact for regulatory inquiries, to resolve the issue if it involves the period prior to the customer's being transferred. Ms. Fowler will handle coordination and response with the Commission staff. Ms. Fowler and Mr. Acevedo have established the process they plan to use to handle such occurrences. Because they are the sole personnel involved, and because they have jointly established the procedure, both companies believe that customers' concerns will be promptly and thoroughly resolved, with no issues as to who is responsible.

RCP 1

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GCL 1

DOCUMENT NUMBER-DATE

06829 AUG -4 8

FPSC-COMMISSION CLERK

Customers affected by this change will be notified by letters mailed beginning on September 1, 2008. A copy of the Parties' FCC filings and customer notification are attached. Customers will be provided at least thirty days' notice of the pending change. The customer notification advises customers of the following: (1) the pending change of their service provider to Birch; (2) there will be no charges associated with their change to Birch as their local and/or long distance provider; (3) only their non-regulated voicemail service will be affected and will be provided at the same rates as those currently charged by Navigator; (4) they have the option to select a different service provider if they prefer. The notification also includes customer service numbers for both Navigator and Birch that customers may call for more information.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose. Any questions you may have regarding this filing may be directed to my attention at (470) 740-3006 or via e-mail at croesel@tminc.com.

Sincerely,



Carey Roesel
Consultant to Access Integrated Networks, Inc.
d/b/a Birch Communications

Enclosures

Cc: David Stotelmyer, Navigator
Sharyl Fowler, Birch



July 25, 2008
Via Overnight Delivery

2600 Maitland Center Pkwy. Ms. Marlene H. Dortch, FCC Secretary
Suite 300 Federal Communications Commission
Maitland, FL 32751 9300 East Hampton Drive
Capitol Heights, Maryland 20743

P.O. Drawer 200

Winter Park, FL

32790-0200

Tel: 407-740-8575

Fax: 407-740-0613

www.tminc.com

Attention: Office of the Secretary

RE: CC Docket No. 00-257
Notification of Transfer of Certain Local and Long Distance Service Customers
from Navigator Telecommunications, LLC to Access Integrated Networks, Inc.
d/b/a Birch Communications

Dear Ms. Dortch:

Pursuant to CC Docket No. 00-257 and in accordance with Section 64.1120(e)(1) of the Commission's rules, the original and four copies of this notification is submitted on behalf of Access Integrated Networks, Inc., d/b/a Birch Communications ("Birch") who hereby notifies the Commission that it has entered into an agreement with Navigator Telecommunications, LLC ("Navigator"), whereby the Birch subsidiaries will generally acquire Navigator's residential and business local and long distance customers in the states of Alabama, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, New York, Pennsylvania, South Carolina, and Tennessee from Navigator. Following the transaction, these customers will be served by the Birch operating company in each state. The transfer of the customer base will take place on or after October 1, 2008.

Birch hereby certifies that it has complied with the advance subscriber notification requirements set forth in Section 64.1120(e)(3) of the Commission's rules, with the obligations specified in that notice and with Commission requirements that apply to this streamlined process. Customer notice will be mailed to approximately 8,500 affected subscribers on beginning September 1, 2008, each being sent thirty or more days in advance of the projected transfer date. A copy of the notice is enclosed as Attachment A.

Please date stamp the receipt copy and return it in the self addressed, stamped envelope provided. Questions regarding this filing may be directed to the undersigned at (407) 740-3006 or via e-mail at croesel@tminc.com.

Sincerely,

Carey Croesel

Enclosures

Cc: David Stotelmyer, Navigator
Sharyl D Fowler, Birch

**ACCESS INTEGRATED NETWORKS, INC. d/b/a BIRCH COMMUNICATIONS
NAVIGATOR TELECOMMUNICATIONS, LLC**

Attachment A

Customer Notice



NAVIGATOR

Telecommunications



DATE

Customers Name
Customers Address
City, State, Zipcode

Dear _____

This letter is to inform you that Access Integrated Networks, Inc. d/b/a Birch Communications (Birch) has entered into an agreement whereby Birch subsidiaries will generally acquire from Navigator Telecommunications, LLC (Navigator), subject to regulatory approval, certain Navigator phone service accounts in the state of _____ (Alabama, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, New York, Pennsylvania, South Carolina, Tennessee – LETTERS WILL BE STATE SPECIFIC) on or after _____ (state specific). As a result of this agreement, Birch will assume responsibility for all services previously provided to you by Navigator. Birch is excited about the opportunity to provide your phone service and looks forward to a long and successful business relationship.

Please rest assured, the transition will have little or no impact on your current services, nor will there be any interruption of your service. The agreement between Birch and Navigator has been structured so that the transfer of service will be an almost seamless transition with only a minor change to your voicemail service. You will retain you rates, features, terms and conditions of service and phone number. You will not incur any charges for the transfer of services to Birch, and little or no action is required from you regarding this changeover. You do have the right to select a different carrier for the telecommunication service(s) at issue. *If you do not wish to receive service from Birch, you should select another carrier and contact that carrier directly to transfer your service by _____.* If you choose to seek an alternative carrier for services, you may incur a fee for transfer of services. In addition, should you have a term commitment with Navigator and you disconnect services prior to the end of that term, you will be liable for early termination charges. Please note that if you are a customer of Navigator on the date of the transfer, your account will automatically be transferred to Birch.

You will receive your first billing statement from Birch starting with your _____ or _____ bill. Any balances owed for services provided prior to your first bill from Birch will remain payable to Navigator. All terms, conditions, and pricing of your service will stay the same and will not be affected by the transaction.

Please note that any local service preferred carrier "freeze" you have placed on your existing telephone lines to prevent unauthorized transfer to another local carrier will be over-ridden for purposes of this transaction and will need to be reinstated by you after the transfer is complete.

If you have any questions or complaints about this transaction prior to _____, you may contact Navigator Telecommunications, LLC at _____. After _____, you should contact Birch Communications at _____ (state specific customer service number) for any questions pertaining to service and billing.

About Access Integrated Networks, Inc. d/b/a Birch Communications

Headquartered in Atlanta GA, Birch Communications is one of the largest competitive local exchange carriers in the 31-state southeast, southwest and midwest regions serving small and medium business customers. Birch was the first in its class to deploy its own private IP network utilizing soft switch technology to deliver innovative, high quality, affordable voice and broadband communications services to small and medium business customers.

Birch looks forward to continuing to provide you with quality service for many years to come.

Sincerely,

Navigator Telecommunications, LLC and
Access Integrated Networks, Inc. d/b/a Birch
Communication

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of)
Access Integrated Networks, Inc. d/b/a)
Birch Communications and)
Navigator Telecommunications, LLC) Docket No.
for Waiver of Slamming Rule,)
Chapter 25-4.118)

JOINT PETITION FOR WAIVER

Pursuant to Rule 25-24.455(4), Navigator Telecommunications, LLC. ("Navigator" or "Seller") and Access Integrated Networks, Inc. d/b/a Birch Communications ("Birch" or "Buyer") (together, "Petitioners") respectfully request that the Florida Public Service Commission ("Commission") waive Florida Administrative Code rule 25-24.118, in order to facilitate the transfer of customers from Navigator to Birch, both certificated telecommunications carriers in the state of Florida.

Upon approval of this waiver request, Navigator seeks to transfer approximately 43 presubscribed business customers and 41 presubscribed residential customers in Florida to Birch. On or about September 1, 2008, the parties will send a notification to all affected customers. This notification will advise the customers of the following: the pending change of their carrier selection to Birch; that there will be no change to the rates, terms, and conditions of the service(s) to be provided by the acquiring carrier; there will be only a minor change in the customer's non-regulated voicemail service; that there will be no charge to the customer in connection with this change; that the subscriber has the right to select a different preferred carrier; toll-free customer service telephone numbers for inquiries about the transfer; the fact that all subscribers receiving the notice, including those who have arranged preferred carrier freezes through their local service providers, will be transferred to the new carrier if they do not select a different preferred carrier before the transfer date; and whether the acquiring carrier will be responsible for resolving outstanding complaints against the selling or transferring carrier. A sample copy of the customer notification is attached to this Petition as Attachment A.

Petitioners respectfully request that the Commission issue an order granting a wavier of Rule 25-24.118 in order to consummate the transfer of customers. In support of this request, Petitioners provide the following information:

I. THE PETITIONERS and PARTIES

Navigator Telecommunications, LLC. ("Navigator") is a local exchange and non-dominant interexchange telecommunications service provider organized under the laws of the State of Arkansas. Navigator was granted authority to provide local exchange telecommunications services in Florida by Order No. PSC-99-0210-FOF-TX issued February 8, 1999 in DN 981730-TX. Interexchange authority was granted pursuant to Order No. PSC-99-1288-CO-TI issued July 6, 1999 in DN 990338-TI. Navigator is certified, registered or otherwise authorized to provide local services in thirty-six states and long distance services in forty-seven states. Navigator seeks to transfer approximately 43 presubscribed business customers and 41 presubscribed residential customers to Birch in Florida.

Access Integrated Networks, Inc., d/b/a Birch Communications ("Birch"), a Georgia corporation, was granted local exchange authority in Order No. PSC-99-1491-PAA-TX issued August 3, 1999 in Docket No. 990666-TX. Navigator received local exchange authority pursuant to Order PSC-22-0210-FOF-TX issued February 9, 1999 in Docket 981730-TX and interexchange authority pursuant to Order No. PSC-99-1288-CU-TI issued July 6, 1999 in Docket No. 990338-TI. Birch's managerial, technical and financial ability to provide telecommunications services are a matter of record with the Florida Public Service Commission. A copy of Birch's Certificate to Transact Business as a Foreign Corporation is incorporated herein by reference as Attachment B. Birch is authorized to provide local and long distance services in ten states with certification pending in five additional states.

II. CONTACT INFORMATION

Correspondence or communications pertaining to this application should be directed to:

Carey Roesel
Technologies Management, Inc.
2600 Maitland Center Parkway
Suite 300
Maitland, FL 37251
Telephone: (407) 740-3006
Facsimile: (407) 740 0613
Email: croesel@tminc.com

With copies to:

Michael McAlister
Navigator Telecommunications, LLC
8525 Riverwood Park Drive
PO Box 13860
North Little Rock, Arkansas 72113
Telephone: (501) 954-4000
Facsimile: (501) 954-4002
Email: mike@navtel.com

- and -

Sharyl D. Fowler
Access Integrated Networks, Inc. d/b/a Birch Communications
4885 Riverside Drive, Suite 304
Macon, GA 31210
Telephone: (478) 476-1165
Facsimile: (478) 405-3112
Email: sharyl.fowler@birch.com

III. REQUEST FOR RULE WAIVER

Pursuant to Rule 25-24.118(1), Florida Administrative Code, the provider of a customer shall not be changed without the customer's authorization. Rule 25-24.118-(2) provides that a local provider or IXC shall submit a change request to the local exchange carrier only if one of the following has occurred: (a) the provider has a letter of agency from the customer requesting the change; (b) the provider has received a customer-initiated call for service; or (c) a third party firm has verified the customer's requested change. As a result of

the proposed transfer agreement described above, the Petitioners ask the Commission to waive the conditions in 25-24.118-(2) in order to allow the transfer of customers of record to Birch. Birch has filed Notice with the Federal Communications Commission for a waiver of the authorization and verification rules for implementation of the subscriber carrier selection change provisions of the Telecommunications Act of 1996.

IV. CUSTOMER IMPACT

This transaction will be handled so as to avoid undue disruption to consumers. There will be only a minor change of the voicemail service and no change or interruption of local or long distance service and customers will be well informed of their choices.

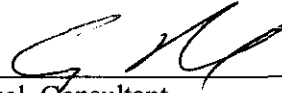
V. PUBLIC INTEREST CONSIDERATIONS

The Petitioners have determined that the proposed transaction will improve operational efficiency of both companies, thus providing greater opportunities to improve the price performance of services available to its customers. If prior authorization is required in this event, customers may fail to respond to a request for authorization, neglect to select another long distance carrier and lose their long distance service during the transition. Consequently, granting this Petition is consistent with the public interest in promoting competition among telecommunications carriers in Florida. Further, by granting this Petition, unnecessary slamming complaints will be prevented during the transition, saving Petitioners and the Commission administrative burdens.

WHEREFORE, for the reasons stated above, the Petitioners submit that the public interest, convenience and necessity would be furthered by a grant of this Joint Petition for Waiver of Rule 25-24.118.

Respectfully submitted on August 1, 2008

By:

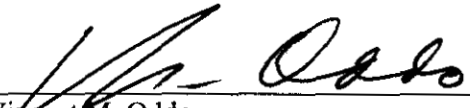


Carey Roesel, Consultant
Technologies Management, Inc.
2600 Maitland Center Parkway
Suite 300
Maitland, FL 37251
Telephone: (407) 740-3006
Facsimile: (407) 740 0613
Email: croesel@tminc.com

VERIFICATION

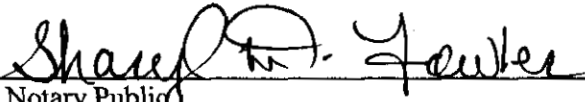
STATE OF GEORGIA
COUNTY OF BIBB

I, Vincent M. Oddo, being first duly sworn, do hereby certify, depose and state that I am President/Chief Executive Officer for Access Integrated Networks, Inc., d/b/a Birch Communications and that I am authorized to make this verification on behalf of Access Integrated Networks, Inc., d/b/a Birch Communications; that I have read the foregoing Petition; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.



Vincent M. Oddo
President/Chief Executive Officer
Access Integrated Networks, Inc., d/b/a Birch
Communications

Subscribed and sworn to before me, a Notary Public, this 29th day of July 2008



Notary Public



My Commission expires: 11/22/08

VERIFICATION

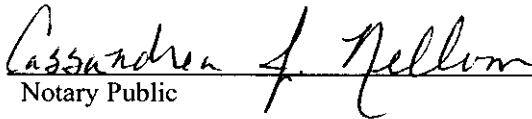
STATE OF ARKANSAS
COUNTY OF PULASKI

I, David Stotelmyer, being first duly sworn, do hereby certify, depose and state that I am Chief Financial Officer for Navigator Telecommunications, LLC, and that I am authorized to make this verification on behalf of Navigator Telecommunications, LLC; that I have read the foregoing Petition; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.



David Stotelmyer
Chief Financial Officer
Navigator Telecommunications, LLC

Subscribed and sworn to before me, a Notary Public, this 29th day of July 2008.



Notary Public

My Commission expires: November 1, 2010

**ACCESS INTEGRATED NETWORKS, INC.,
d/b/a/ BIRCH COMMUNICATIONS
NAVIGATOR TELECOMMUNICATIONS, LLC**

Attachment A

Customer Notice



NAVIGATOR
Telecommunications



DATE

Customers Name
Customers Address
City, State, Zipcode

Dear _____

This letter is to inform you that Access Integrated Networks, Inc. d/b/a Birch Communications (Birch) has entered into an agreement whereby Birch subsidiaries will generally acquire from Navigator Telecommunications, LLC (Navigator), subject to regulatory approval, certain Navigator phone service accounts in the state of Florida on or after October 1, 2008. As a result of this agreement, Birch will assume responsibility for all services previously provided to you by Navigator. Birch is excited about the opportunity to provide your phone service and looks forward to a long and successful business relationship.

Please rest assured, the transition will have little or no impact on your current services, nor will there be any interruption of your service. The agreement between Birch and Navigator has been structured so that the transfer of service will be an almost seamless transition with only a minor change to your voicemail service. You will retain you rates, features, terms and conditions of service and phone number. You will not incur any charges for the transfer of services to Birch, and little or no action is required from you regarding this changeover. You do have the right to select a different carrier for the telecommunication service(s) at issue. *If you do not wish to receive service from Birch, you should select another carrier and contact that carrier directly to transfer your service by October 1, 2008.* If you choose to seek an alternative carrier for services, you may incur a fee for transfer of services. In addition, should you have a term commitment with Navigator and you disconnect services prior to the end of that term, you will be liable for early termination charges. Please note that if you are a customer of Navigator on the date of the transfer, your account will automatically be transferred to Birch.

You will receive your first billing statement from Birch starting with your October or November, 2008 bill. Any balances owed for services provided prior to your first bill from Birch will remain payable to Navigator. All terms, conditions, and pricing of your service will stay the same and will not be affected by the transaction.

Please note that any local service preferred carrier "freeze" you have placed on your existing telephone lines to prevent unauthorized transfer to another local carrier will be over-ridden for purposes of this transaction and will need to be reinstated by you after the transfer is complete.

If you have any questions or complaints about this transaction prior to October 1, 2008, you may contact Navigator Telecommunications, LLC at 1-877-628-0035 for business customers and 1-877-762-8835 for residential customers. After October 1, 2008, you should contact Birch Communications at 1-877-275-0777 for any questions pertaining to service and billing.

About Access Integrated Networks, Inc. d/b/a Birch Communications

Headquartered in Atlanta GA, Birch Communications is one of the largest competitive local exchange carriers in the 31-state southeast, southwest and Midwest regions serving small and medium business customers. Birch was the first in its class to deploy its own private IP network utilizing soft switch technology to deliver innovative, high quality, affordable voice and broadband communications services to small and medium business customers.

Birch looks forward to continuing to provide you with quality service for many years to come.

Sincerely,

Navigator Telecommunications, LLC and
Access Integrated Networks, Inc. d/b/a Birch Communications

**ACCESS INTEGRATED NETWORKS, INC.,
d/b/a/ BIRCH COMMUNICATIONS
NAVIGATOR TELECOMMUNICATIONS, LLC**

Attachment B

Florida Secretary of State Authorization

03-17-2008 90231 001 ***100.00
G08077700149

451285

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

Section 1

1. Birch Communications
 Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")
Phyllis Miller c/o Technologies Management, Inc.

PO Drawer 200
 Mailing Address of Business

Winter Park FL 32190
 City State Zip Code

3. Florida County of principal place of business: Multiple

(see instructions if more than one county)

This space for office use only

Section 2

A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. Last First M.I. Address City State Zip Code

2. Last First M.I. Address City State Zip Code

B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):

1. Access Integrated Networks, Inc.
 Entity Name
4885 Riverside Drive, Suite 304
 Address
Macon GA 31210
 City State Zip Code
 Florida Registration Number F99000001823
 FEI Number: 582233012
 Applied for Not Applicable

2. Entity Name Address City State Zip Code Florida Registration Number FEI Number: Applied for Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

[Signature] 3/4/08
 Signature of Owner Date

Phone Number: 478-475-9800

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
 FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name _____
 _____, which was registered on _____ and was assigned
 registration number _____

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes Certificate of Status — \$10 Certified Copy — \$30

NON-REFUNDABLE PROCESSING FEE: \$50