

CAHILL GORDON & REINDEL LLP

SUITE 950

1990 K STREET, N.W.

WASHINGTON, D.C. 20006-1181

EIGHTY PINE STREET
NEW YORK, N.Y. 10005-1702
(212) 701-3000
FAX: (212) 269-5420

TELEPHONE (202) 862-8900
FACSIMILE (202) 862-8958

AUGUSTINE HOUSE
6A AUSTIN FRIARS
LONDON, ENGLAND EC2N 2HA
(011) 44.20.7920.9800
FAX: (011) 44.20.7920.9825

ANGELA F. COLLINS | 202-862-8930 | acollins@cahill.com

September 10, 2012

Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 00-257 – Notification Pursuant to 47 C.F.R. § 64.1120 for Birch Communications, Inc. and The Ultimate Connection, Inc. d/b/a DayStar Communications

Dear Secretary Dortch:

Birch Communications, Inc., on behalf of itself and its subsidiary Birch Telecom of the South, Inc. (collectively, “Birch”), and The Ultimate Connection, Inc. d/b/a DayStar Communications (“DayStar”) (Birch and DayStar collectively, “the Applicants”) hereby notify the Federal Communications Commission (“Commission”) pursuant to 47 C.F.R. § 64.1120(e)(1) of the pending transfer of certain DayStar customers to Birch.

Parties to the Transaction: The Applicants filed a request for approval of the transfer of certain assets and customers of DayStar to Birch on August 13, 2012 in WC Docket No. 12-227. The following entities are involved in this transaction: Birch Communications, Inc., Birch Telecom of the South, Inc., and The Ultimate Connection, Inc. d/b/a DayStar Communications.

Type of Telecommunications Services Provided to Affected Subscribers: DayStar holds domestic Section 214 authority from the Commission. The customer transfer involves customers currently receiving services from DayStar in Florida.

Planned Date of Transfer: DayStar subscribers will be transferred to Birch on or about October 12, 2012 subject to the Applicants receiving all necessary regulatory approvals.

Certification of Compliance: Birch hereby certifies that it will comply with the requirement to provide advance notice to affected DayStar subscribers in accordance with 47 C.F.R. § 64.1120(e)(3), with the obligations specified in that notice as applicable, and with the other statutory and Commission requirements that apply to this streamlined process. Please see the attached verification.

Copy of Notice To Be Sent to Affected Subscribers: A draft of the notice to be sent to affected subscribers is attached.

If you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Angela Collins".

Angela F. Collins
Counsel for Birch Communications, Inc.

Attachments

Attachment 1



IMPORTANT NOTICE
REGARDING A CHANGE IN YOUR TELECOMMUNICATIONS SERVICES

Dear _____

Birch Communications (“Birch”) and The Ultimate Connection d/b/a DayStar Communications (“DayStar”) are pleased to announce that Birch is acquiring DayStar’s local telephone and long distance telephone customers, as well as certain other customers receiving other types of services from DayStar. Subject to approval by the Federal Communications Commission and state regulators as necessary, Birch will replace DayStar as your current telecommunications service provider on or about October 12, 2012 (the “Transfer Date”). As a result of this transaction, Birch will assume responsibility for all services previously provided to you by DayStar. Birch is excited about the opportunity to provide your telecommunications service(s) 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 DayStar has been structured so that the transfer of service will be virtually seamless, other than the possibility of a minor change to your voice mail service for which you will receive additional information.¹ There may, however, be other changes to your service plan based on Birch’s unique billing systems (e.g., customers currently utilizing a message or measured local service plan may be switched to a flat rate plan). In those cases, Birch will transition you in a neutral manner **with no increase to your regular monthly recurring charges**. You will retain all other service rates, features, terms, and conditions of service and your telephone number. Birch will not impose any charges for the transfer of your services to Birch and **no action is required from you to continue your telecommunications service(s) with Birch**. You will receive your first billing statement from Birch starting with your October 2012 or November 2012 bill. As in the past, you are responsible for paying all bills rendered to you by DayStar during the transition of service.²

¹ It will be necessary for you to reset your password and re-record your message greeting(s). Additionally, saved messages at the time of the transfer will no longer be retained. Birch will provide further details in a follow-up letter.

² Those customers interested in setting up online payments will be pleased to know Birch offers online payments and account updates.

You do have the right to select a different carrier for your telecommunications service(s). If you choose to switch to an alternate carrier for services, you may incur a fee from that alternate carrier for the transfer of services to that alternate carrier. If you select a local telephone service provider other than Birch, you should also contact your current long distance provider to ensure that your current long distance plan is not changed. Please note that if you are a customer of DayStar on the Transfer Date as set forth above, your account will automatically be transferred to Birch. In addition, should you have a term commitment with DayStar and you disconnect or transfer services to another carrier prior to the end of that term, you will be liable to Birch for any applicable early termination charges. Please note that when your service is transferred to Birch, any preferred carrier "freeze" you have placed on your existing telephone lines to prevent unauthorized transfer of your services to another carrier will be over-ridden for purposes of this transaction and will need to be reinstated by you by contacting Birch after the transfer is complete.

If you have any questions regarding this transaction or questions about your service or billing prior to the Transfer Date set forth above, you should contact DayStar at **877-912-1300**.

If you have any questions regarding this transaction, or questions about your service or billing after the Transfer Date set forth above, you should contact Birch at **888-772-4724**.³

DayStar thanks you for your business and Birch looks forward to providing you with quality service for many years to come.

Sincerely,

DayStar Communications and
Birch Communications

³ **About Birch Communications** - Headquartered in Atlanta, Georgia, Birch Communications is one of the largest competitive local exchange carriers in its 38-state southeast, southwest, midwest and northeast regions serving residential and 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-sized business customers.

Verification

I, Christopher J. Bunce, Senior Vice President, Legal, General Counsel and Secretary of Birch Communications, Inc. and its subsidiary Birch Telecom of the South, Inc., hereby certify under penalty of perjury that the statements in the foregoing filing are true, complete, and correct to the best of my knowledge and belief.

Date:

September 10, 2012



Christopher J. Bunce
Senior Vice President, Legal, General Counsel and
Secretary