BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NOS. 1999-323-C, 2000-265-C, 2001-21-C, and 2010-325-C

ORDER NO. 2010-770(A)

DECEMBER 10, 2010

IN RE: DOCKET NO. 1999-323-C –Application of Birch Communications, Inc. (f/k/a Access Integrated Network, Inc. d/b/a Birch Communications) for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services Statewide; DOCKET NO. 2000-265-C -Application Birch Telecom of the South, Inc. d/b/a Birch Communications (f/k/a Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch) for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Interexchange (Toll) and Local Exchange Telecommunications Services within the State of South Carolina; DOCKET NO. 2001-21-C -Application of American Fiber Network, Incorporated for a Certificate of Public Convenience and Necessity to Provide Intrastate Resold Telecommunications Services and Local Exchange Services; -and- DOCKET NO. 2010-325-C - Joint Application of Birch Communications, Inc.; Birch Telecom of the South, Inc. d/b/a Birch Communications; and American Fiber Network, Inc. for Approval to Transfer Assets	)	ORDER AMENDING DIRECTIVE ORDER NO. 2010-770 TO STATE THAT THE CERTIFICATE OF AMERICAN FIBER NETWORK WILL NOT BE CANCELLED UNTIL AFTER IT SATISFIES THE SOUTH CAROLINA UNIVERSAL SERVICE FUND AND GROSS RECEIPTS FUND

On November 10, 2010, the South Carolina Public Service Commission ("Commission") issued Directive Order No. 2010-770 approving the joint Application of Birch Communications, Inc., Birch Telecom of the South, and American Fiber Network, Inc. ("AFN") for the transfer of assets and customer base from AFN to Birch Communications, Inc. In the Order, the Commission provides that "[a]fter the transaction is completed, Birch Telecom of the South will provide service to AFN customers in South Carolina" and then further provides that "AFN shall notify the Commission when it no longer provides telecommunications services in South Carolina, and its tariffs will be withdrawn and its certificate will be cancelled."

However, pursuant to the request of the Office of Regulatory Staff, this Order is now amended to state that AFN's Certificate will not be cancelled until after it satisfies its obligation to the South Carolina Universal Service Fund and the Gross Receipts Fund.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

John E. Howard, Chairman

ATTEST:

David A. Wright, Vice Chairman
(SEAL)