

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

BPS Telephone Company et al.,)	
)	
Complainants)	
)	
v.)	Case No. TC-2011-0404
)	
Halo Wireless, Inc.)	
)	
Respondent)	

AND

In the Matter of Alma Communications Company)	
d/b/a Alma Telephone Company, Chariton Valley)	
Telephone Corporation, Chariton Valley Telecom)	
Corporation, Choctaw Telephone Company,)	
Mid-Missouri Telephone Company, a Corporate)	
division of Otelco, Inc. and MoKan DIAL, Inc.,)	
)	
Complainants)	Case No. TO-2012-0035
)	
vs.)	
)	
Halo Wireless, Inc. and Southwestern Bell Telephone)	
Company d/b/a AT&T Missouri,)	
)	
Respondent)	

RESPONSE TO HALO’S FIRST NOTICE OF AUTHORITY

COME NOW BPS Telephone Company et al., Complainants/Intervenors in the above-captioned matters, and for their Response to the “First Notice of Supplemental Authority” filed by Halo Wireless, Inc., state to the Missouri Public Service Commission (Commission) as follows:

1. On February 27, 2011, Halo Wireless, Inc. (Halo) filed a pleading styled as a First Notice of Supplemental Authority ("*First Notice*").

2. Halo's *First Notice* cites no new legal authority, despite its title. Rather, Halo appears to refer to the United States Court of Appeals for the Fifth Circuit's procedural schedule as "authority" for "abating any deadlines or proceedings until the conclusion of the appellate process in the Fifth Circuit." (*First Notice*, p. 4)

3. Halo's pleading fails to mention that the Fifth Circuit denied Halo's Petition for Writ of Mandamus and Motion to Stay the Declaratory Judgment of the Bankruptcy Court, even though a copy of the Fifth Circuit's order denying Halo's petition for writ of mandamus and stay of the bankruptcy proceedings was attached to Halo's pleading. (*First Notice*, Exhibit D, p. 3) Thus, BPS Telephone et al. are aware of no legal authority, new or otherwise, that supports Halo's *First Notice*.

CONCLUSION

WHEREFORE, BPS Telephone et al. respectfully request that the Commission disregard or, alternatively, specifically deny and/or reject Halo's *First Notice* and issue such other relief as is reasonable and necessary in the circumstances.

Respectfully submitted,

By: **/s/ Trip England**

W.R. England, III Mo. #23975

Brian T. McCartney Mo. #47788

BRYDON, SWEARENGEN &
ENGLAND P.C.

312 East Capitol Avenue

Jefferson City, MO 65102-0456

trip@brydonlaw.com

bmccartney@brydonlaw.com

(573) 635-7166

(573) 634-7431 (Fax)

Attorneys for BPS Telephone et al.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 8th day of March, 2012, to the following parties:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Leo Bub
AT&T
leo.bub@att.com

Steven Thomas
McGuire, Craddock & Strother, PC
sthomas@mcsllaw.com

Louis A. Huber, III
Schlee, Huber McMullen & Krause, PC
lhuber@schleehuber.com

Lewis Mills
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Craig Johnson
Johnson & Sporleder, LLP
cj@cjlaw.com

W. Scott McCollough
McCollough Henry PC
wsmc@dotlaw.biz

/s/ Trip England