

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

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,	)	
	)	
vs.	)	Case No. IC-2011-0385
	)	
Halo Wireless, Inc.	)	
	)	
Respondent.	)	

**Motion for Stay of August 26 Deadline**

1. On June 1, 2011, Complainants Alma Communications, et al., filed their Complaint in this matter against Halo Wireless, Inc. (“Halo”).
2. On July 25, 2011, Halo filed a Motion to Dismiss for Lack of Jurisdiction.
3. On July 26, the Commission issued its Order directing the Complainants’ response to the motion to be filed on or before August 26, 2011.
4. On August 10, 2011, Halo filed Suggestions in Bankruptcy stating there was a pending bankruptcy in United States Bankruptcy Court of the Eastern District of Texas that prohibits further action against Halo in this proceeding.

5. On August 15, 2011, the Commission issued an Order Directing Filing requiring Staff and any other interested party to file a legal analysis of Halo's Suggestions of Bankruptcy no later than September 12, 2011. However, the Commission's order did not alter the August 26, 2011 deadline to respond to Halo's Motion to Dismiss for Lack of Jurisdiction.

6. Pursuant to 11 USC 362, the filing of a bankruptcy petition operates as an automatic stay of commencement *or continuation* of certain types of proceedings against the bankrupt. However, subsection (b) (4) provides that certain state police power or regulatory actions are not subject to this automatic stay.

7. At this time it appears there is reasoning as to why the stay does apply, reasoning as to why the stay does not apply, and reasoning that a preferred course may be to request the bankruptcy judge to determine if the stay applies, and if determined it does, to request the judge to order the stay lifted so this Commission can continue with this action.

8. Complainants have no desire to violate the automatic stay, if it applies, by participating in the *continuation* of this proceeding by filing an August 26 response to Halo's subject matter jurisdiction motion, as the Commission's Order of July 26 directs Complainants to do.

9. Complainants intend to review the legal issues related to the automatic stay and file their analysis on or before September 12, 2011.

10. Accordingly, Complainants hereby request that the Commission issue an order indefinitely staying or suspending Complainants' deadline for the filing of a response to Halo Wireless' motion to dismiss, which is currently due August 26, 2011. The Commission should stay the requirement to respond until the parties have briefed the bankruptcy issues and the Commission has ruled on whether this matter can proceed.

11. Complainants request that the Commission issue such an order as soon as possible and no later than Monday, August 22, 2011.

WHEREFORE, Complainants respectfully request that the Commission issue its order granting an indefinite stay of Complainants' required response to Halo's motion to dismiss on or before August 22, 2011 and grant such other relief as is reasonable in the circumstances.

Respectfully submitted,

/s/Craig S. Johnson  
Craig S. Johnson  
Mo Bar # 28179  
Johnson & Sporleder, LLP  
304 E. High St., Suite 200  
P.O. Box 1670  
Jefferson City, MO 65102  
(573) 659-8734  
(573) 761-3587 FAX  
[cj@cjaslaw.com](mailto:cj@cjaslaw.com)

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was electronically mailed, this 16th day of August, 2011 to:

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Lewis Mills  
Office of Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102  
[lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)

Louis A. Huber, III  
Schlee, Huber, McMullen & Krause, PC  
P.O. Box 32430  
Kansas City, Mo 64171  
[lhuber@schleehuber.com](mailto:lhuber@schleehuber.com)

Steven Thomas  
McGuire, Craddock & Strother, PC  
2501 N. Harwood, Suite 1800  
Dallas, TX 75201  
[stthomas@mcsllaw.com](mailto:stthomas@mcsllaw.com)

W. Scott McCollough  
McCollough Henry PC  
1250 S. Capital of Texas Hwy  
Building 2-235  
West Lake Hills, TX 78746  
[wsmc@dotlaw.biz](mailto:wsmc@dotlaw.biz)

/s/ Craig S. Johnson  
Craig S. Johnson

