

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

Alma Communications Company d/b/a Alma)	
Telephone Company, Chariton Valley Tele-)	
Phone 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.TO-2012-0035
)	
Halo Wireless, Inc., and)	
Southwestern Bell Telephone Company, dba)	
AT&T Missouri,)	
)	
Respondents.)	
and)	
)	
BPS Telephone Company, Citizens Telephone)	
Company of Higginsville, Mo., Craw-Kan)	
Telephone Cooperative, Inc., Ellington)	
Telephone Company, Fidelity Communication)	
Services I, Inc., Fidelity Communication)	
Services II, Inc., Fidelity Telephone Company)	
Goodman Telephone Company, Granby)	
Telephone Company, Grand River Mutual)	
Telephone Corporation, Green Hills Telephone)	
Corporation, Green Hills Telecommunications)	
Services, Holway Telephone Company, Iamo)	
Telephone Company, Kingdom Telephone)	
Company, K.L.M. Telephone Company,)	
Lathrop Telephone Company, Le-Ru)	
Telephone Company, Mark Twain Rural)	
Telephone Company, Mark Twain)	
Communications Company, McDonald)	

Complainants' Joint Motion for Order Directing Case be Held in Abeyance Pending Completion of Enhanced Record Exchange Rule Proceedings

Come now Alma Communications Company et al., "Complainants", and BPS Telephone Company et al., "Intervenor-Complainants", for their Joint Motion for an Order Directing that this Case be Held in Abeyance Pending Completion of Enhanced Record Exchange Rule Proceedings, and state to the Missouri Public Service Commission as follows:

1. In its January 31, 2012 Response to the Application for Rejection of Portions of an Interconnection Agreement between AT&T Missouri and Halo Wireless, Inc., Halo disputes whether the Commission has jurisdiction to entertain this Application.

2. In its January 31, 2012 Response to the Application for Rejection of Portions of an Interconnection Agreement between AT&T Missouri and Halo Wireless, Inc., AT&T Missouri also disputes whether the Commission has jurisdiction to entertain this Application, and states that the appropriate remedy would be for the Complainants to direct AT&T to block Halo traffic pursuant to Commission Rule 4 CSR 240-29.130 (the Enhanced Record Exchange Rule, or ERE Rule), and that AT&T would comply with the directive.

3. In its Reply of February 7, Commission Staff stated its preference that the Enhanced Record Exchange Rule processes be pursued, rather than the Commission entertaining an Interconnection Agreement Rejection Request.

4. Prior to the Bankruptcy Court's October 26, 2011 Order determining the bankruptcy stay was not applicable to currently pending State Commission Proceedings such as this (copy attached as Exhibit 1), there was a concern among Complainants and Intervenor-Complainants that pursuing the remedies afforded under the ERE Rule might violate that stay. In light of the attached Order, Complainants and Intervenor -Complainants no longer view that concern as an impediment to pursuing remedies under the ERE Rule.

5. The ERE Rule directs the originating tandem provider (in this case AT&T Missouri) to block Halo traffic from terminating to Complainants and Intervenor -Complainants upon appropriate requests to AT&T, with copies to Halo and the Commission. The ERE Rule, in 4 CSR 240-29.130 (9) also provides Halo with an opportunity to challenge the basis of the blocking wherein Halo must provide all relevant evidence refuting the stated reasons for blocking set forth in a blocking request.

6. The ERE Rule sets forth an expedited process for the Commission to determine, if Halo so requests, whether the traffic in dispute should be blocked. A request for blocking in accordance with the ERE Rule would minimize or avoid the legal or jurisdictional issues associated with pursuing the instant request to reject the transit portions of an interconnection agreement pursuant to 47 USC 252 (e). By promulgating the ERE Rule, the Commission has already established a process in which to consider this carrier dispute as to the propriety of Halo traffic

being transited by AT&T over the LEC to LEC network for termination by Complainants and Intervenor-Complainants.

Relief Requested

7. On the basis of the foregoing, Complainants and Intervenor-Complainants request that the Commission enter an Order doing the following:

- a. Holding this case in abeyance pending conclusion of blocking requests and proceedings;
- b. Directing Complainants and Intervenor-Complainants to issue blocking requests to ATT Missouri within 30 days following said Order;
- c. Giving Halo 30 days from the receipt of any blocking request in which to file a complaint pursuant to and in compliance with 4 CSR 240-29.130 (9);
- d. Providing that, in the event no such complaint is filed as set forth in (c.) above, AT&T is authorized to institute blocking pursuant to 4 CSR 240-29.

Wherefore, Complainants and Intervenor-Complainants jointly request the Commission to enter an Order as requested above.

Respectfully submitted,

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Grand River Mutual Telephone Corporation
Green Hills Telephone Corporation
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Kingdom Telephone Company
K.L.M. Telephone Company
Lathrop Telephone Company
Le-Ru Telephone Company
Mark Twain Rural Telephone Company
Mark Twain Communications Company
McDonald County Telephone Company
Miller Telephone Company
New Florence Telephone Company
New London Telephone Company
Northeast Missouri Rural Telephone Company
Orchard Farm Telephone Company
Oregon Farmers Mutual Telephone Company
Ozark Telephone Company

Peace Valley Telephone Company, Inc.
Rock Port Telephone Company
Seneca Telephone Company
Steeleville Telephone Exchange, Inc. and
Stoutland Telephone Company

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was electronically mailed, this 9th day of February, 2012 to:

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

HALO WIRELESS, INC.,

DEBTOR.

§
§
§
§
§

CASE NO. 11-42464-btr-11

**ORDER GRANTING MOTION OF THE TEXAS AND
MISSOURI TELEPHONE COMPANIES TO DETERMINE AUTOMATIC STAY
INAPPLICABLE AND FOR RELIEF FROM THE AUTOMATIC STAY [DKT. NO. 31]**

Upon consideration of *The Texas and Missouri Telephone Companies' Motions to Determine Automatic Stay Inapplicable and in the Alternative, For Relief from Same* [Dkt. No. 31] (the "TMTC Motion")¹, and it appearing that proper notice of the TMTC Motion has been given to all necessary parties; and the Court, having considered the evidence and argument of counsel at the hearing on the TMTC Motion (the "Hearing"), and having made findings of fact and conclusions of law on the record of the Hearing which are incorporated herein for all purposes; it is therefore;

ORDERED that the TMTC Motion is GRANTED, but only as set forth hereinafter; and it is further

ORDERED that, pursuant to 11 U.S.C. §362(b)(4), the automatic stay imposed by 11 U.S.C. § 362 (the "Automatic Stay") is not applicable to currently pending State Commission Proceedings², except as otherwise set forth herein; and it is further

¹ The Court contemporaneously is entering separate orders granting the *Motion of the AT&T Companies to Determine Automatic Stay Inapplicable and For Relief from Automatic Stay* [Dkt. No. 13] and the *Motion to Determine the Automatic Stay is Not Applicable, or Alternatively, to Lift the Automatic Stay Without Waiver of 30-Day Hearing Requirement* [Dkt. No. 44] filed by TDS Telecommunications Corporation.

² The term "State Commission Proceeding" as used herein refers to those proceedings identified in the TMTC Motion at ¶ 5, fn. 11.

ORDERED that, any regulatory proceedings in respect of the matters described in the TMTC Motion, including the State Commission Proceedings, may be advanced to a conclusion and a decision in respect of such regulatory matters may be rendered; *provided however*, that nothing herein shall permit, as part of such proceedings:

- A. liquidation of the amount of any claim against the Debtor; or
- B. any action which affects the debtor-creditor relationship between the Debtor and any creditor or potential creditor (collectively, the “Reserved Matters”); and it is further

ORDERED that nothing in this Order precludes the TMTC Companies³ from seeking relief from the Automatic Stay in this Court to pursue the Reserved Matters once a state commission has (i) first determined that it has jurisdiction over the issues raised in the State Commission Proceedings; and (ii) then determined that the Debtor has violated applicable law over which the particular state commission has jurisdiction; and it is further

³ The TMTC Companies include Alenco Communications, Inc.; Alma Communications Company d/b/a Alma Telephone Company; Big Bend Telephone Company, Inc.; BPS Telephone Company; Brazoria Telephone Company; Chariton Valley Telecom Corporation; Chariton Valley Telephone Company; Choctaw Telephone Company; Citizens Telephone Company of Higginsville, Missouri; Craw-Kan Telephone Cooperative, Inc.; Eastex Telephone Cooperative, Inc.; Electra Telephone Company, Inc.; Ellington Telephone Company; Farber Telephone Company; Fidelity Communication Services I, Inc.; Fidelity Communication Services II, Inc.; Fidelity Telephone Company; Five Area Telephone Cooperative, Inc.; Ganado Telephone Company; Goodman Telephone Company; Granby Telephone Company; Grand River Mutual Telephone Corporation; Green Hills Area Cellular d/b/a Green Hills Telecommunications Services; Green Hills Telephone Corporation; Guadalupe Valley Telephone Cooperative, Inc.; Hill Country Telephone Cooperative, Inc.; Holway Telephone Company; Iamo Telephone Company; Industry Telephone Company; Kingdom Telephone Company; K.L.M. Telephone Company; Lake Livingston Telephone Company, Inc.; Lathrop Telephone Company; Le-Ru Telephone Company; Livingston Telephone Company; Mark Twain Communication Company; Mark Twain Rural Telephone Company; McDonald County Telephone Company; Mid-Missouri Telephone Company, a Corporate Division of Otelco, Inc.; Mid-Plains Rural Telephone Cooperative, Inc.; Miller Telephone Company; MoKan Dial, Inc.; New Florence Telephone Company; New London Telephone Company; Nortex Communications Company; Northeast Missouri Rural Telephone Company; North Texas Telephone Company; Orchard Farm Telephone Company; Ozark Telephone Company; Peace Valley Telephone Company, Inc.; Peoples Telephone Cooperative, Inc.; Riviera Telephone Company, Inc.; Rock Port Telephone Company; Seneca Telephone Company; Santa Rosa Telephone Cooperative, Inc.; Southwest Texas Telephone Company; Steelville Telephone Exchange, Inc.; Stoutland Telephone Company; Tatum Telephone Company; Totelcom Communications, LLC; Valley Telephone Cooperative, Inc. and West Plains Telecommunications, Inc.

ORDERED that the TMTC Companies, as well as the Debtor, may appear and be heard, as may be required by a state commission in order to address the issues presented in the State Commission Proceedings; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation and/or interpretation of this Order.

Signed on 10/26/2011

Brenda T. Rhoades SR
HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE