

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

<b>HALO WIRELESS, INC.,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. TC-2012-0331</b>
	)	
<b>CRAW-KAN TELEPHONE</b>	)	
<b>COOPERATIVE, INC., et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**Alma Communications Company d/b/a Alma Telephone Company,  
Choctaw Telephone Company, and MoKAN Dial Inc.,  
Response to Halo Request for Stay Pending Bankruptcy Determination**

For their Response to Halo’s Request for Stay pending Bankruptcy Determination, Alma, Choctaw and MoKan Dial oppose Halo’s Request for Stay. The Bankruptcy Court has previously ruled that This Commission can conduct these regulatory proceedings, and they are not subject to the bankruptcy stay. The Bankruptcy Court has ruled that blocking Halo traffic pursuant to a state commission regulatory decision does not violate the stay. There is no reason for this Commission to stay this proceeding.

1. On April 2, 2012, Halo filed a “Formal Complaint” ostensibly to stop the blocking requests from being executed.<sup>1</sup>

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<sup>1</sup> Halo’s Complaint states that it seeks no “affirmative relief” from this Commission, that it filed the Complaint “out of an abundance of caution”, and “under protest”, as an “ostensibly-required response” to the blocking requests, and that it is requesting this Commission to declare that it lacks the jurisdiction or authority to permit blocking.

2. This Commission, by Orders of April 3, 2012 directed responses to Halo's request that this action be stayed until the Bankruptcy Court rules on the propriety of the blocking notices.

3. On April 3, 2012 Halo filed a Notice of Violation of Automatic Stay with the Bankruptcy Court, attached hereto as Exhibit 1. This Notice is not a motion, and seeks no relief from the Bankruptcy Court. Halo has not asked the Bankruptcy Court to rule on the propriety of blocking under the Missouri ERE.

4. We have been down this road before. Halo filed similar Notices of Bankruptcy in Commission proceedings TO-2011-0385, TC-2011-0404, and TO-2012-0036. The MoRLECs took the issue to the Bankruptcy Court. On October 26, 2011 the Bankruptcy Court ruled that the Missouri regulatory proceedings concerning the Enhanced Record Exchange Rule, and the Halo-AT&T Missouri interconnection agreement, were not subject to the bankruptcy stay, so long as the Missouri Commission does not (A) liquidate the amount of any bankruptcy claim against Halo, or (2) permit any action that affects the debtor-creditor relationship between Halo and any creditor. See Exhibit 2 hereto. The Bankruptcy Court has ruled that this Commission can entertain the ERE proceedings and not be in violation of the Stay. The Bankruptcy Court has determined that this Commission is the proper entity to hear and determine ERE violations.

5. The ERE contemplates blocking requests, and the institution of complaints opposing blocking requests. Granting a blocking request neither liquidates the amount of any claim against Halo nor affects the debtor-creditor relationship. There is no reason not to

complete this state proceeding, so long as it does not exceed the limitations imposed by the Bankruptcy Court.

6. The Bankruptcy Court has already decided that a state regulatory proceeding and directive to block traffic does not violate the stay. In Tennessee, the Tennessee Regulatory Authority entered an Order permitting AT&T to block Halo's traffic from the entire state of Tennessee. Exhibit 3. Halo asked the Bankruptcy Court to hold such blocking violated the Stay. Exhibit 4. The Bankruptcy Court held it did not. Exhibit 5.

7. If blocking all Halo traffic terminating in Tennessee does not violate the stay, allowing this case to continue to conclusion, which would only result in blocking of traffic for several small Missouri RLECS, would not violate the stay.

WHEREFORE, on the basis of the foregoing, Respondents request that this Commission deny Halo's request for a stay.

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 5th day of April, 2012 to PSC Staff Counsel, to the Office of the Public Counsel, to counsel for AT&T Missouri, to counsel for the Mo RLECs other than Movants, and to counsel for Halo Wireless Inc.

/s/Craig S. Johnson  
Craig S. Johnson