

**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,)

v.)

File No. IC-2011-0385

Halo Wireless, Inc.,)

Respondent.)

BPS Telephone Company, Citizens Telephone)
Company of Higginsville, Mo., Craw-Kan Telephone)
Cooperative, Inc., Ellington Telephone Company,)
Farber Telephone Company, Fidelity Communica-)
tions Services I, Inc., Fidelity Communications)
Services II, Inc., Fidelity Telephone Company,)
Goodman Telephone Company, Granby Telephone)
Company, Grand River Mutual Telephone Corpora-)
tion, 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)
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,)
Steelville Telephone Exchange, Inc., and Stoutland)
Telephone Company,)

v. Complainants,)
) **File No. TC-2011-0404**
)
Halo Wireless, Inc.,)
Respondent.)

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,)
)
v.) **File No. TO-2012-0035**
)
Halo Wireless, Inc., and Southwestern Bell)
Telephone Company, d/b/a AT&T Missouri,)
)
Respondent.)

STAFF RESPONSE TO ORDER REQUESTING LEGAL ANALYSIS

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and files *Staff’s Response to Order Requesting Legal Analysis* for the information and consideration of the Missouri Public Service Commission (“Commission”).

1. A number of telecommunications companies providing basic local telecommunications services and exchange access service to customers located in their respective service areas pursuant to certificates of public convenience and necessity issued by this Commission (“Complainants”), have originated various actions against Halo Wireless, Inc. (“Halo”) with the Commission.

2. On July 25, 2011, in File Nos. IC-2011-0385 and TC-2011-0404, Halo filed a *Motion to Dismiss* based on its assertion that the Missouri Public Service Commission lacks jurisdiction to grant the relief requested by the Complainants. Later on August 10, 2011,

Halo filed its *Suggestion of Bankruptcy*, in which it notified the Commission of its voluntary petition of bankruptcy, and of Section 362 of the Bankruptcy Code, its automatic stay provision.¹

3. On August 15, 2011, the Commission directed Staff Counsel to file a legal analysis as to whether the above captioned actions are stayed pursuant to the Bankruptcy Code as alleged by Halo.

4. On August 19, 2011, Halo filed its *Notice of Removal to Federal Court* and its *Amended Notice of Removal to Federal Court*.

5. Staff would like to notify the Commission that there is currently pending before the Bankruptcy Court for the Eastern District of Texas Sherman Division, the bankruptcy court charged with handling Halo's bankruptcy, a motion entitled, *Motion of the AT&T Companies to Determine Automatic Stay Inapplicable and for Relief from the Automatic Stay*.² Staff believes a ruling on this *Motion* could be dispositive as to the applicability of the automatic stay to any further proceedings before this Commission in the above-captioned cases.

6. Furthermore, in recognition of Halo's Removal of the above-captioned cases to federal court, Staff requests that the Commission delay compliance with its August 15th *Order* until such time, and unless, remand is ordered.

WHEREFORE, Staff requests leave to delay filing a legal analysis regarding the applicability of the automatic stay until such time that the above-captioned matters are remanded to the Commission.

¹ The *Suggestions of Bankruptcy* were filed in all three captioned cases.

² *In Re* Halo Wireless, Inc., Case No. 11-42464 (Bankr. E.D. Tex. Sherman Div. filed August 8, 2011).

Respectfully submitted,

/s/ Meghan E. McClowry

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 12th day of September 2011.

/s/ Meghan E. McClowry