# ORIGINAL JENNER&BLOCK

October 20, 2004 Jenner & Block LLP Chicago One IBM Plaza Dallas Chicago, 1L 60611-7603 Washington, DC VIA U.S. MAIL Tel 312 222-9350 State of Florida www.jenner.com Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Ronald R. Peterson Tel 312 923-2981 Fax 312 840-7381 rpeterson@jenner.com

## Re: In re Delta Phones, Inc., et al., U.S. Bankr. Ct. N.D. Ill. Case No. 04-00823, et al.

To Whom It May Concern:

I am the Trustee for the estates of Delta Phones, Inc. and EZ Talk Communications (the "Debtors") in the above-referenced cases.

I am in receipt of your letter dated August 17, 2004. This letter serves to inform you that as of the date of my appointment as Trustee, February 25, 2004, the Debtors have ceased all operations. Furthermore, on March 5, 2004, the United State Bankruptcy Court for the Northerm District of Illinois entered an order converting the Debtors' cases to cases under Chapter 7 of the Bankruptcy Code. Accordingly, I am in the process of liquidating the Debtors' estates.

For your reference, I have enclosed copies of the following documents: (1) the Debtors' petitions for Chapter 11 relief; (2) the orders appointing me as Trustee in these cases; and (3) the order converting the cases to proceedings under Chapter 7 of the Bankruptcy Code.

Very truly yours,

Ronald R. Peterson

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DISTRIBUTION CENTER

DOCUMENT NUMBER-DATE 11547 OCT 26 ສ

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**FPSC-COMMISSION CLERK** 

STATE OF FLORIDA

Commissioners: Braulio L. Baez, Chairman J. Terry Deason Lila A. Jaber Rudolph "Rudy" Bradley Charles M. Davidson

GENERAL COUNSEL RICHARD D. MELSON (850) 413-6248

Hublic Service Commission

August 17, 2004

## RESPONSE IS REQUIRED

PLEASE NOTE - if you are NOT providing services, you may simply check the following box and fax this page to (850) 413-6403. The request does have questions of a general nature, such as barriers to entry, so please feel free to respond to any applicable

questions. 🛛

TX155 EZ Talk Communications, L.L.C. One IBM Plaza, Suite 3800 Chicago, IL 60611-7604

## **RE:** Failure to Respond to Year 2004 Local Competition Report Data Request

Dear Sir or Madam:

On June 3, 2004, Ms. Roberta S. Bass, Chief of the Office of Market Monitoring and Strategic Analysis, requested data from your company. The data request was sent via the United States Postal Service, certified mail. In her correspondence, Ms. Bass requested that you provide responses no later than July 15, 2004. Our records indicated that your company has not yet responded to our data request.

Your company's input to this annual data request is very important. The Commission is directed by Section 364.386, Florida Statutes, to submit a report by December 1, each year, to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives.

This report is specifically designed to apprise the Florida Legislature on the state of competition in your industry. The FPSC wants to be in a position to accurately describe the state of your industry and we simply cannot do it without the cooperation of businesses such as your own.

In order to meet this legislative mandate, it is critical that each competitive local exchange company (CLEC), that maintains a Certificate of Public Convenience and Necessity in Florida, timely

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850 An Affirmative Action / Equal Opportunity Employer

(Official Form 1) (12/03) FORM B1	19 1
Northern District of Illinois, Eastern Di	vision Division
Name of Debtor (if individual, enter Last, First, Middle): EZ Talk Communications, LLC	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 (include married, maiden, and trade names):
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): 76-0520632	Last four digits of Soc. Sec. No/Complete EIN or other No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): 1245 East Diehi Rd.	Street Address of Joint Debtor (No. & Street, City, State & Zi
Sulte 300 Naperville, IL 60653	
County of Residence or of the Principal Place of Business: DuPage	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street addre
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	cial Form 1) (12/03)	Name of Debtor(s):	FORM B1, 1	
'ậl Thi	untary Petition s page must be completed and filed in every case)	EZ Talk Communications, L	TC	
	Prior Bankruptcy Case Filed Within Last 6	Years (If more than one, attach	additional sheet)	
		Case Number:	Date Filed:	
	ation ere Filed: None			
_	Pending Bankruptcy Case Filed by any Spouse, Partner or	and the second	righten one sinch additional share	
			1°	
	ne of Debtor:	Case Number:	Date Filed;	
Det	ta Phones, Inc.	1	1/8/03	
Dist	rict:	Relationship:	Judge:	
Nor	them District Of Illinois, Eastern Division			
	Signa	tures		
		1 1	xhibit A	
	Signature(s) of Debtor(s) (Individual/Joint) clare under penalty of perjury that the information provided in this			
	tion is true and correct.	(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange		
nf 1	betitioner is an individual whose debts are primarily consumer :	Commission pursuant to Section 13 or 15(d) of the Securities		
deb	is and has chosen to file under Chapter 7] I am aware that I may	Exchange Act of 1934 and is	requesting relief under chapter 11)	
oro	ceed under chapter 7, 11, 12 or 13 of title 11, United State Code,	Exhibit A is attached and mad	le a part of this petition.	
	erstand the relief available under each such chapter, and choose to	F	xhibit B	
	ceed under chapter 7. quest relief in accordance with the chapter of title 11, United States		if debtor is an individual	
	le, specified in this petition.		rimarily consumer debts)	
		I, the attorney for the petitioner i	named in the foregoing petition.	
X	Classical Datase		petitioner that [he or she] may proce	
	Signature of Debtor	under chapter 7, 11, 12, or 13 of . explained the relief available und	title 11, United States Code, and ha	
X		explained the relies available and	uci cach such chapter.	
•	Signature of Joint Debtor	X	•	
	Telephone Number (If not represented by attorney)	Signature of Attorney for Debtor(s)	D	
	Sespicial Fullion (II Bol represented by anti-bey)		bibit C	
	Dete		ssession of any property that poses o	
	Signature of Attorney		binent and identifiable harm to publi	
	A Superior of Attorney	health or safety?	· · · · ·	
Х	- P(.) - P	Uyes, and Exhibit C is attached	and made a part of this petition.	
	Signature of Attorney for Debtor(a)	1 No		
	Michael Devis Printed Name of Attorney for Dobtor(s)	Signature of Non-At	ttorney Petition Preparer	
	Kofkin, Springer, Schelnbaum & Davis, P.C.	I certify that I am a bankruptcy p	ctition preparer as defined in 11	
	Fin Name	U.S.C. § 110, that I prepared this	s document for compensation, and th	
	611 S. Addison Road	I have provided the debtor with a	s copy of this document.	
	Address			
	Addison, IL 60101	Printed Name of Bankruptcy Petition Printed	epașer	
	(F10) F20 0000	Social Security Number (Required by 1)		
	(630) 530-9999 Telephone Number	Social Secretal Namper (Wedning ph 1)		
	1 - 1	Address		
	Dela	1.		
	Signature of Debtor (Corporation/Partnership)			
l de	clare under penalty of perjury that the information provided in this		nbers of all other individuals who	
	ition is true and correct, and that I have been authorized to file this	prepared or assisted in preparin	ig this document:	
pet	ition on bchalf of the debtor.			
Th	e debtor requests relief in accordance with the chapter of title 11,		ed this document, attach additional	
Un	ited States Gode, specified in this petition.	sneets conforming to the appro	priate official form for each person.	
Х	TWL MM	X		
•	Signature of Authorized Individual	Signature of Bankruptcy Petition Pr		
	Fullran Mintz	Significe of Dankruptcy readon r		
	Printed Name of Authorized Individual	Date		
	Manaces		A 14	
	Title of Authorized individual	A bankruptcy petition preparer's	failure to comply with the provisions	
	118/07		of Bankruptcy Procedure may result 11 U.S.C. § 110; 18 U.S.C. § 156.	
	Date / · · · ·			

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(Sfficial	Form	1) (	(12/03)

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etta Phones Inc.	
Il Other Names used by the Debtor in the last 6 years include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, makien, and trade names):
ast four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): 72-1143910	Last four digits of Soc. Sec. No./Complete EIN or other Tax I No. (if more than one, state all):
itreet Address of Debtor (No. & Street, City, State & Zip Code): 245 E. Diehi Rd. 51. 300 Iaperville, IL 60563	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):
County of Residence or of the Frincipal Place of Business: DuPage	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor if different from street address above):	
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There is a bankruptcy case concerning debtor's affiliate, general part         Type of Debtor (Check all boxes that apply)         Individual(s)       Railroad         Corporation       Stockbroker         Partnership       Commodity Broker         Other       Clearing Bank         Nature of Debts (Check one box)         Consumer/Non-Business       Business         Chapter 11 Small Business (Check all boxes that apply)         Debtor is a small business as defined in 11 U.S.C. § 101         Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)         Statistical/Administrative Information (Estimates only)         Debtor estimates that funds will be available for distribution to unsecured cr         Debtor estimates that, after any exempt property is excluded and adm paid, there will be no funds available for distribution to unsecured cr	ys than in any other District. ner, or partnership pending in this District. Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check on box) Chapter 7 Chapter 11 Chapter 13 Chapter 9 Chapter 12 Sec. 304 - Case ancillary to foreign proceeding Filing Fee (Check one box) Full Filing Fee attached Filing Fee to be paid in installments (applicable to individuals on Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installmen Rule 1006(b). See Official Form No. 3. Chapter : DELTA PHONES INC. Case: 04-00823 Fee : 639 Chapter : 11 Rec. # : 3055171 to 350,000,00 Chapter : 11 Rec. # : 3055171

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Official Form 1) (12/03)	Name of Debtor(s):	FORM B1,		
Volunitary Petition	Delta Phones Inc.			
Prior Bankruptcy Case Filed Within Last	6 Years (If more than one, at	tach additional sheet)		
Location	Case Number;	Date Filed:		
Where Filed: None	The second second second			
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet				
Name of Debtor:	Case Number:	Date Filed:		
EZ Talk Communications LLC		1/8/03		
District: Northern District Of Illinois, Eastern Division	Relationship:	Judge:		
	atures			
Signature(s) of Debtor(s) (Individual/Joint)	1	Exhibit A		
I declare under penalty of perjury that the information provided in this	(To be completed if de	btor is required to file periodic reports 0Q) with the Securities and Exchange		
petition is true and correct.	Commission pursuant t	o Section 13 or 15(d) of the Securities		
debts and has chosen to file under Chapter 7] I am aware that I may	Exchange Act of 1934 a	nd is requesting relief under chapter 11)		
proceed under chapter 7, 11, 12 or 13 of title 11, United State Code, understand the relief available under each such chapter, and choose to	Exhibit A is attached and	made a part of this petition.		
proceed under chapter 7.		Exhibit B		
I request relief in accordance with the chapter of title 11, United States		eted if debtor is an individual		
Code, specified in this petition.		are primarily consumer debts)		
X	declare that I have informed	the petitioner that [he or she] may proce		
Signature of Debtor	under chapter 7, 11, 12, or 1 explained the relief availabl	3 of title 11, United States Code, and ha		
Signature of Joint Debtor	cxplained the renet available	e under each such chapter.		
CIÊNHIRA ÂI SÛNE DOURT	X			
Telephone Number (If not represented by attorney)	Signature of Attorney for Debt	and the second		
Det	Exhibit C Does the debtor own or have possession of any property that poses			
Signature of Attorney	is alleged to pose a threat of imminent and identifiable harm to public health or safety?			
Signature of Attorney for Debtor(a)				
Michael J. Duris		n Attorney Detition Deserve		
Printed Name of Attorney for Deblor(a)	Signature of Non-Attorney Petition Preparer I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and the			
Kofkin, Springer, Scheinbaum & Davis, P.C.				
611 S. Addison Road	I have provided the debtor v	with a copy of this document.		
Addison, IL 60101	Printed Name of Bankroptcy Petition Preparer			
(630) 530-9999	Social Security Number (Require	· · · · · · · · · · · · · · · · · · ·		
Telephone Number	and a second sec			
Dete	Address			
Signature of Debtor (Corporation/Partnership)				
I declare under penalty of perjury that the information provided in this		y numbers of all other individuals who		
petition is true and correct, and that I have been authorized to file this	prepared or assisted in pro	- i i i i i i i i i i i i i i i i i i i		
petition on behalf of the debtor.	If more than one person p	repared this document, attach additional		
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.		appropriate official form for each person.		
I ANR		· · · ·		
Signature of Authorized Individual	X	14 <b>X</b>		
Fallean Mintz	Signature of Baukruptcy Pet	ition Preparer		
Printed Name of Authorized Individual	Date			
Chief Executive Officer	A hanknunter netition neme	ver's failure to comply with the provisions		
Tale of Apthonized Individual		ules of Bankruptcy Procedure may result		
		both 11 U.S.C. § 110; 18 U.S.C. § 156.		

**1**\*

## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

IN RE: Delta Phones, INC.,

DEBTOR.

CHAPTER 11 PROCEEDING CASE NO. 04 B 00823 JUDGE JOHN H. SQUIRES

## ORDER

Upon the United States Trustee's Application for an Order Approving the Appointment of a Trustee, it is ORDERED that notice is shortened to that given, the Application is GRANTED and that the appointment of Ronald Peterson as Trustee is APPROVED.

DATED

FEB 2 8 2001

UNITED STATES BANKRUF TC

## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

EZ TALK COMMUNICATIONS, INC.

IN RE:

. .

CHAPTER 11 PROCEEDING CASE NO. 04 B 00828

DEBTOR.

2

JUDGE JOHN H. SQUIRES

### ORDER

Upon the United States Trustee's Application for an Order Approving the Appointment of a Trustee, it is ORDERED that notice is shortened to that given, that the Application is GRANTED and that the appointment of Ronald Peterson as Trustee is APPROVED.

DATED: UNITED

FEB 2 5 2004

## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

IN RE:

CHAPTER 11 PROCEEDING

DELTA PHONES, INC., et al.,

CASE NO. 04 B 00823 (Jointly Administered)

DEBTORS.

JUDGE JOHN H. SQUIRES

#### ORDER CONVERTING CASES UNDER CHAPTER 11 TO CASES UNDER CHAPTER 7

The U.S. Trustee shall serve copies of this order on the Designated Person named in paragraph 3 below, and all professionals known to him who performed services in connection with the Chapter 11 cases and shall file a proof of such service.

These cases come before the Court on the Chapter 11 Trustee's Motion to Convert Chapter 11 Cases to Chapter 7 under 11 U.S.C. § 1112(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* After notice limited to that given and a hearing, the Court orders as follows:

- 1. These cases are converted to cases under Chapter 7.
- 2. The Debtors shall,
  - a. Forthwith account for and turn over to the Chapter 7 Trustee all records and property of the estates under their custody and control as required by Fed. R. Bankr. P. 1019(4);
  - b. On or before March 11, 2004 file schedules of all unpaid debts incurred after the commencement of the Chapter 11 cases (including the names and addresses of all creditors) as required by Fed. R. Bankr. P. 1019(5);
    - c. On or before March 26, 2004, file final reports and accounts as required by Fed. R. Bankr. P. 1019(5); and
    - d. Within 15 days after the entry of this order, file the statements and schedules required by Fed. R. Bankr. P. 1019(1) and 1007(b), if such documents have not already been filed.
- 3. Pursuant to Fed. R. Bankr. P. 9001(5), the court designates Fallean Mintz ("Designated Person") to perform the acts of the Debtors.

4. This matter is set for a status hearing on \_\_\_\_\_\_\_, 2004 at \_\_\_\_\_\_\_, 2004 at \_\_\_\_\_\_\_, 2004 Federal Court House, 219 South Dearborn Street, Chicago, Illinois. At that hearing, the court will determine whether the Designated Person has complied with this order and, if not, consider such requests for further relief as may be required to secure compliance with this order.

ENTERED: DATED: UNITED **RUPTCY, JUDGE** STATES BANK MAR

