

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth
Telecommunications, LLC d/b/a AT&T
Florida against Halo Wireless, Inc.

DOCKET NO. 110234-TP
FILEED: February 27, 2012

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FIRST NOTICE OF SUPPLEMENTAL AUTHORITY

Halo Wireless, Inc. ("Halo" or the "Debtor") files this First Notice of Supplemental Authority ("Notice") to advise the Commission of recent orders of the United States Court of Appeals for the Fifth Circuit that may moot further proceedings here and warrant abating any pending action until the Fifth Circuit renders its decision on the expedited schedule it just established.

1. On October 26, 2011, the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division (the "Bankruptcy Court") ruled that twenty state commission proceedings (including this one), all of which were filed by *private parties* seeking relief against *private parties* before the state commissions *as tribunals*, constitute actions "by a governmental unit" and that such actions were "to enforce such governmental unit's police or regulatory power."¹

2. Halo immediately requested that the Bankruptcy Court stay its ruling pending an appeal. On November 1, 2011, the Bankruptcy Court denied Halo's motions for stay pending appeal,² but at the same time certified the appeal to the Fifth Circuit on the specific ground that

COM _____
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¹ True and correct copies of the three orders entered by the Bankruptcy Court on October 26, 2011, are attached hereto as Exhibit "A."

² A copy of the Order Denying Motions For Stay Pending Appeal is attached hereto as Exhibit "B" (the "Order Denying Stay").

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there is no controlling Fifth Circuit precedent.³ In the Bankruptcy Court's Order Denying Stay, the court stated on page 3: **"This case involves a serious legal question and, in light of the absence of controlling Fifth Circuit authority, there is a risk that this Court's decision could be reversed"** (Ex. B, emphasis added). Then, on November 7, 2011, the Bankruptcy Court entered its "Certification to the Court of Appeals" pursuant to 28 U.S.C. § 158(d)(2), stating that the October 26, 2011 decision, "involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States." (Ex. C).

3. On February 2, 2012, the United States Court of Appeals for the Fifth Circuit granted Halo's Motion for Leave to Appeal under 28 U.S.C. § 158(d).⁴ Recognizing the importance of the issue being appealed to the Debtor's survival, the Fifth Circuit has also expedited the briefing schedule,⁵ requiring all briefing to be filed by April 9, 2012⁶ and setting oral argument for the week of April 30, 2012.⁷

4. With briefing in progress and oral argument imminent, Halo files this Notice to bring the status of the appeal to the Commission's attention so that the Commission may be aware of the expedited nature of the appeal as it makes decisions in the above-referenced proceeding. If the Fifth Circuit finds, consistent with all extant precedent, that the state

³ The Bankruptcy Court made this ruling from the bench. A written certification was made on November 7, 2011, a copy of which is attached hereto as Exhibit "C."

⁴ A true and correct copy of the Fifth Circuit's Order granting Halo's motion for leave to appeal is attached hereto as Exhibit "D."

⁵ A true and correct copy of the Fifth Circuit's Order granting Halo's motion to expedite the briefing schedule is attached hereto as Exhibit "E."

⁶ A true and correct copy of the correspondence dated February 14, 2012 from Peter A. Conners, Deputy Clerk at the Fifth Circuit, setting forth the expedited briefing schedule, is attached hereto as Exhibit "F."

⁷ A true and correct copy of the correspondence dated February 8, 2012 from Peter A. Conners, Deputy Clerk at the Fifth Circuit, notifying counsel that the case had been placed on the oral argument calendar for the week of April 30, 2012, is attached hereto as Exhibit "G."

commission proceedings are subject to the automatic stay, any actions taken by the state commissions would be void *ab initio*.

5. As this tribunal knows from previous filings, Halo asserts that the Bankruptcy Court's decision contravenes the plain text of the statute and all prior judicial understanding of it. Halo believes the Fifth Circuit will reverse the legally erroneous decision. Not one case cited by the complaining parties, and not one case cited by the Bankruptcy Court to support its ruling, involved a situation where private parties sued private parties before the tribunal of a state commission. The Bankruptcy Court's ruling effectively removes the requirement that any suit must be brought by a governmental unit in order to be excepted from the automatic stay. 11 USC §§ 362(a)(1) & (b)(4). The Bankruptcy Court thereby dramatically expanded the "governmental unit" exception to the automatic stay found in 11 U.S.C. § 362(b)(4), contravening the plain language of the Bankruptcy Code, express Congressional intent, and the entirety of relevant case law.

6. Regardless of whether this tribunal agrees with Halo's position, the risk of reversal is real, as previously admitted by the Bankruptcy Court (see paragraph 2, *supra*). Accordingly, in view of the acknowledged precarious and tenuous ruling of the Bankruptcy Court, and the Fifth Circuit's decision to expedite Halo's appeal to the first available oral argument setting, Halo requests that this tribunal abate any deadlines or proceedings until the conclusion of the appellate process in the Fifth Circuit.

Respectfully submitted this 27th day of February, 2012.



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CERTIFICATE OF SERVICE

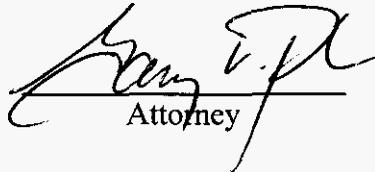
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. mail, this 27th day of February, 2012, to the following:

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

In re:	§	Chapter 11
	§	
Halo Wireless, Inc.,	§	Case No. 11-42464-btr-11
	§	
Debtor.	§	

**ORDER GRANTING MOTION OF THE AT&T COMPANIES TO DETERMINE
AUTOMATIC STAY INAPPLICABLE AND FOR RELIEF FROM THE AUTOMATIC
STAY [DKT. NO. 13]**

Upon consideration of the *Motion of the AT&T Companies to Determine Automatic Stay Inapplicable and For Relief from the Automatic Stay* [Dkt. No. 13] (the "AT&T Motion")¹, and it appearing that proper notice of the AT&T Motion has been given to all necessary parties; and the Court, having considered the evidence and argument of counsel at the hearing on the AT&T 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 AT&T 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

ORDERED that, any regulatory proceedings in respect of the matters described in the AT&T Motion, including the State Commission Proceedings, may be advanced to a conclusion

¹ The Court contemporaneously is entering separate orders granting *The Texas and Missouri Companies' Motion to Determine Automatic Stay Inapplicable and in the Alternative, for Relief From Same* [Dkt. No. 31] 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 All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

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 AT&T 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 Proceeding; and (ii) then determined that the Debtor has violated applicable law over which the particular state commission has jurisdiction; and it is further

ORDERED that the AT&T 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

³ The AT&T Companies include Southwestern Bell Telephone Company d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas; BellSouth Telecommunications, LLC d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee; Illinois Bell Telephone Company d/b/a AT&T Illinois; Indiana Bell Telephone Company Inc. d/b/a AT&T Indiana; Michigan Bell Telephone Company d/b/a AT&T Michigan; The Ohio Bell Telephone Company d/b/a AT&T Ohio; Wisconsin Bell Telephone, Inc. d/b/a AT&T Wisconsin; Pacific Bell Telephone Company d/b/a AT&T California; and Nevada Bell Telephone Company d/b/a AT&T Nevada.

EOD

10/26/2011

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

IN RE: § CASE NO. 11-42464-btr-11
§
HALO WIRELESS, INC., §
§
DEBTOR. §

**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; Steellville 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

EOD

10/26/2011

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

HALO WIRELESS, INC.

DEBTOR.

§
§
§
§
§

CHAPTER 11

CASE NO. 11-42464

ORDER GRANTING MOTION OF TDS TO DETERMINE THAT THE AUTOMATIC STAY IS NOT APPLICABLE, OR ALTERNATIVELY, TO LIFT THE AUTOMATIC STAY WITHOUT WAIVER OF 30-DAY HEARING REQUIREMENT [DKT. NO. 44]

CAME ON for consideration the Motion to Determine that the Automatic Stay Is Not Applicable or, Alternatively, to Lift the Automatic Stay [Dkt No. 44] (the "TDS Motion")¹ filed by TDS Telecommunications Corporation, on behalf of it and the other movants listed in the TDS Motion² (collectively, the "TDS Movants"), and it appearing that proper notice of the TDS Motion has been given to all necessary parties; and the Court, having considered the evidence and argument of counsel at the hearing on the TDS 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;

¹ The Court contemporaneously is entering separate orders granting *The Texas and Missouri Companies' Motion to Determine Automatic Stay Inapplicable and in the Alternative, for Relief From Same* [Dkt. No. 31] and the *Motion of the AT&T Companies to Determine Automatic Stay Inapplicable and For Relief from the Automatic Stay* [Dkt. No. 13].

² In Georgia: Blue Ridge Telephone Company, Camden Telephone & Telegraph Company, Inc., Nelson-Ball Ground Telephone Company, and Quincy Telephone Company. In Tennessee: Concord Telephone Exchange, Inc., Humphreys County Telephone Company, Tellico Telephone Company, Tennessee Telephone Company, the TEC Companies (Crockett Telephone Company, Inc., Peoples Telephone Company, West Tennessee Telephone Company, Inc.), North Central Telephone Coop., Inc., and Highland Telephone Cooperative, Inc.

ORDERED that the TDS 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 TDS Proceedings³, except as otherwise set forth herein; and it is further

ORDERED that, any regulatory proceedings in respect of the matters described in the TDS Motion, including the TDS 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 TDS Movants 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 TDS Proceedings; and (ii) then determined that the Debtor has violated applicable law over which the particular state commission has jurisdiction; and it is further

ORDERED that the TDS Movants, 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 TDS Proceedings; and it is further

³ All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the TDS Motion.

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

IN RE:	§	
	§	
HALO WIRELESS, INC.,	§	Case No. 11-42464
	§	(Chapter 11)
Debtor.	§	

ORDER DENYING MOTIONS FOR STAY PENDING APPEAL

Now before the Court are three motions to stay pending appeal (collectively, the “Stay Motions”) filed by the debtor on October 28, 2011. Each of the Stay Motions consists of a request for a stay pending the resolution of the debtor’s appeals from the Court’s determination that regulatory proceedings currently pending before various state utility commissions are excepted from the automatic stay in bankruptcy pursuant to 11 U.S.C. § 362(b)(4). Because the Stay Motions are substantially identical and the appeals will essentially present the same issues for consideration, it is appropriate for this Court to consider the Stay Motions on a consolidated basis.

The Court has jurisdiction to consider the Stay Motions pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157(a). The Court has the authority to enter a final order regarding these contested matters since they constitute core proceedings as contemplated by 28 U.S.C. §157(b)(2)(A) and (O). This Court’s jurisdiction is also reflected in the provisions of Federal Rule of Bankruptcy Procedure 8005.²

Under Federal Rule of Bankruptcy Procedure 8005, a court’s “decision to grant or

² Federal Rule of Bankruptcy Procedure 8005 provides, in pertinent part, that:

[A] motion for a stay of the judgment, order, or decree of a bankruptcy judge...or for other relief pending appeal must ordinarily be presented to the bankruptcy judge in the first instance. Notwithstanding Rule 7062 but subject to the power of the district court...reserved hereinafter, the bankruptcy judge may suspend or order the continuation of other proceedings in the case under the [Bankruptcy] Code or make any other appropriate order during the pendency of an appeal on such terms as will protect the rights of all parties in interest.

deny a stay pending appeal rests in the discretion of that court. However, the exercise of that discretion is not unbridled.” *In re First S. Savs. Ass'n*, 820 F.2d 700, 709 (5th Cir. 1987). Rather, this Court “must exercise its discretion in light of what this court has recognized as the four criteria for a stay pending appeal.” *Id.* The four criteria are: (1) whether the movant has made a showing of likelihood of success on the merits; (2) whether the movant has made a showing of irreparable injury if the stay is not granted; (3) whether the granting of the stay would substantially harm the other parties; and (4) whether the granting of the stay would serve the public interest. *Arnold v. Garlock, Inc.*, 278 F.3d 426, 439-42 (5th Cir. 2001); *In re First S. Savs. Ass'n*, 820 F.2d at 709. Each criterion must be met, and “the movant need only present a substantial case on the merits when a serious legal question is involved and show that the balance of the equities weighs heavily in favor of granting the stay.” *Arnold*, 278 F.3d at 439 (quoting *In re First S. Savs. Ass'n*, 820 F.2d at 704).

The Court, having reviewed the debtor’s Stay Motions, considered the legal arguments presented by the parties at the hearing on November 1, 2011, and reviewed the record in this case, finds and concludes that the debtor has not made a showing of irreparable injury absent a stay. The harms alleged by the debtor – *i.e.*, the cost of the proceeding before the state utility commissions and the potential for differing results amongst the commissions – are “part and parcel of cooperative federalism.” *Budget Prepay, Inc. v. AT&T Corp.*, 605 F.3d 273, 281 (5th Cir. 2010). On the other hand, the granting of a stay would substantially harm other parties by interfering with the state utility commissions’ ability to regulate public utilities and by requiring creditors to continue providing services to the debtor in the future. Moreover, the granting of a stay would not comport with the public interest, including the policies underlying the concept of cooperative federalism and the interest of the public utility commissions, as the experts on the laws and rules governing the telecommunications/telephone industry, in regulating

EOD

11/07/2011

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

IN RE: § CASE NO. 11-42464-btr-11
HALO WIRELESS, INC., §
DEBTOR. §

CERTIFICATION TO COURT OF APPEALS BY THE BANKRUPTCY COURT

A notice of appeal having been filed in the above-styled matter on October 26, 2011, the Court hereby certifies to the Court of Appeals for the Fifth Circuit under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal is not required under 28 U.S.C. § 158(a).

This certification arises in an appeal from a final judgment, order or decree of the United States Bankruptcy Court (*Order Granting Motion Of The AT&T Companies To Determine Automatic Stay Inapplicable And For Relief From The Automatic Stay* [Dkt. No. 159]) for the Eastern District of Texas entered on October 26, 2011.

The judgment, order or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States.

Signed on 11/7/2011

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

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

IN RE: § CASE NO. 11-42464-btr-11
HALO WIRELESS, INC., §
DEBTOR. §
§
§
§

CERTIFICATION TO COURT OF APPEALS BY THE BANKRUPTCY COURT

A notice of appeal having been filed in the above-styled matter on October 26, 2011, the Court hereby certifies to the Court of Appeals for the Fifth Circuit under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal is not required under 28 U.S.C. § 158(a).

This certification arises in an appeal from a final judgment, order or decree of the United States Bankruptcy Court (*Order Granting Motion Of The Texas And Missouri Telephone Companies To Determine Automatic Stay Inapplicable And For Relief From The Automatic Stay* [Dkt. No. 160]) for the Eastern District of Texas entered on October 26, 2011.

The judgment, order or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States.

Signed on 11/7/2011

Brenda T. Rhoades

SR

HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

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

IN RE: § CASE NO. 11-42464-btr-11
HALO WIRELESS, INC., §
DEBTOR. §

CERTIFICATION TO COURT OF APPEALS BY THE BANKRUPTCY COURT

A notice of appeal having been filed in the above-styled matter on October 26, 2011, the Court hereby certifies to the Court of Appeals for the Fifth Circuit under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal is not required under 28 U.S.C. § 158(a).

This certification arises in an appeal from a final judgment, order or decree of the United States Bankruptcy Court (*Order Granting Motion Of TDS To Determine That The Automatic Stay Is Not Applicable, Or Alternatively, To Lift The Automatic Stay Without Waiver Of 30-Day Hearing Requirement* [Dkt. No. 161]) for the Eastern District of Texas entered on October 26, 2011.

The judgment, order or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States.

Signed on 11/7/2011

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

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 11-90050

In re: HALO WIRELESS, INCORPORATED,

Debtor

HALO WIRELESS, INCORPORATED,

Petitioner

v.

ALENCO COMMUNICATIONS INCORPORATED; ALMA COMMUNICATIONS COMPANY; BPS TELEPHONE COMPANY; BELLSOUTH TELECOMMUNICATIONS, L.L.C., doing business as AT&T Alabama; BIG BEND TELEPHONE COMPANY, INCORPORATED; BLUE RIDGE TELEPHONE COMPANY; BRAZORIA TELEPHONE COMPANY; CAMDEN TELEPHONE & TELEGRAPH COMPANY, INCORPORATED; CHARITON VALLEY TELECOM CORPORATION; CHARITON VALLEY TELEPHONE CORPORATEION; CHOCTAW TELEPHONE COMPANY; CITIZENS TELEPHONE COMPANY OF HIGGINSVILLE, MISSOURI; CONCORD TELEPHONE EXCHANGE, INCORPORATED; CRAW-KAN TELEPHONE COOPERATIVE, INCORPORATED; EASTEX TELEPHONE COOPERATIVE, INCORPORATED; ELECTRA TELEPHONE COMPANY, INCORPORATED; ELLINGTON TELEPHONE COMPANY; FARBER TELEPHONE COMPANY; FIDELITY COMMUNICATION SERVICES I, INCORPORATED; FIDELITY COMMUNICATION SERVICES II, INCORPORATED; FIDELITY TELEPHONE COMPANY; FIVE AREA TELEPHONE COOPERATIVE, INCORPORATED; GANADO TELEPHONE COMPANY; GOODMAN TELEPHONE COMPANY; GRANBY TELEPHONE COMPANY; GRAND RIVER MUTUAL TELEPHONE COMPANY; GREEN HILLS AREA CELLULAR; GREEN HILLS TELEPHONE CORPORATION; GUADALUPE VALLEY TELEPHONE COOPERATIVE, INCORPORATED; HILL COUNTRY TELEPHONE COOPERATIVE, INCORPORATED; HOLWAY TELEPHONE COMPANY; HUMPHREYS COUNTY

TELEPHONE COMPANY; IAMO TELEPHONE COMPANY; ILLINOIS BELL TELEPHONE COMPANY, doing business as AT&T Illinois; INDIANA BELL TELEPHONE COMPANY, INCORPORATED, doing business as AT&T Indiana.; INDUSTRY TELEPHONE COMPANY; K.L.M. TELEPHONE COMPANY; KINGDOM TELEPHONE COMPANY; LAKE LIVINGSTON TELEPHONE COMPANY, INCORPORATED; LATHROP TELEPHONE COMPANY; LE-RU TELEPHONE COMPANY; LIVINGSTON TELEPHONE COMPANY; MARK TWAIN COMMUNICATION COMPANY; MARK TWAIN RURAL TELEPHONE COMPANY; MCDONALD COUNTY TELEPHONE COMPANY; MICHIGAN BELL TELEPHONE COMPANY, doing business as AT&T Michigan; MID-MISSOURI TELEPHONE COMPANY; MID-PLAINS RURAL TELEPHONE COOPERATIVE, INCORPORATED; MILLER TELEPHONE COMPANY; MOKAN DIAL, INCORPORATED; NELSON-BALL GROUND TELEPHONE COMPANY; NEVADA BELL TELEPHONE COMPANY, doing business as AT&T Nevada; NEW FLORENCE TELEPHONE COMPANY; NEW LONDON TELEPHONE COMPANY; NORTEX COMMUNICATIONS COMPANY; NORTH TEXAS TELEPHONE COMPANY; NORTHEAST MISSOURI RURAL TELEPHONE COMPANY; ORCHARD FARM TELEPHONE COMPANY; OZARK TELEPHONE COMPANY; PACIFIC BELL TELEPHONE COMPANY, doing business as AT&T California; PEACE VALLEY TELEPHONE COMPANY, INCORPORATED; PEOPLES TELEPHONE COOPERATIVE, INCORPORATED; QUINCY TELEPHONE COMPANY; RIVERA TELEPHONE COMPANY, INCORPORATED; ROCK PORT TELEPHONE COMPANY; SANTA ROSA TELEPHONE COOPERATIVE, INCORPORATED; SENECA TELEPHONE COMPANY; SOUTHWEST TEXAS TELEPHONE COMPANY; SOUTHWESTERN BELL TELEPHONE COMPANY, doing business as AT&T Arkansas; STEELVILLE TELEPHONE EXCHANGE, INCORPORATED; STOUTLAND TELEPHONE COMPANY; TATUM TELEPHONE COMPANY; TELLICO TELEPHONE COMPANY; TENNESSEE TELEPHONE COMPANY; THE MISSOURI PUBLIC SERVICE COMMISSION; THE OHIO BELL TELEPHONE COMPANY, doing business as AT&T Ohio; TOTELCOM COMMUNICATIONS, L.L.C.; VALLEY TELEPHONE COOPERATIVE INCORPORATED; WEST PLAINS TELECOMMUNICATIONS, INCORPORATED; WISCONSIN BELL TELEPHONE, INCORPORATED doing business as Wisconsin, AT&T KANSAS; AT&T MISSOURI; AT&T OKLAHOMA; AT&T TEXAS; AT&T FLORIDA; AT&T GEORGIA; AT&T KENTUCKY; AT&T LOUISIANA; AT&T MISSISSIPPI; AT&T NORTH CAROLINA; AT&T SOUTH CAROLINA; AT&T TENNESSEE,

Respondents

**Motion for Leave to Appeal
Pursuant to 28 U.S.C. § 158(d)**

Before KING, JOLLY, and GRAVES, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the motion for leave to appeal under 28 U.S.C. § 158(d) is **GRANTED**.

IT IS FURTHER ORDERED that the petition for writ of mandamus is **DENIED**.

IT IS FURTHER ORDERED that the motion to stay the bankruptcy proceedings pending appeal is **DENIED**.

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

February 02, 2012

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 11-90050 Halo Wireless, Incorporated v. Alenco
Communications, Inc., et al
USDC No. 11-42464

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

By: 

Linda B. Miles, Deputy Clerk
504-310-7709

Ms. Katharine Elizabeth Battaia
Mr. David Mark Bennett
Ms. Brook Bennett Brown
Mr. Jay Tyson Covey
Mr. Toby L. Gerber
Ms. Jennifer Leigh Heintz
Ms. Jeanne Henderson
Mr. Michael Edward Kabat
Mr. Edwin Paul Keiffer
Mr. Richard D. Milvenan
Mr. Richard Barrett Phillips Jr.
Mr. Mark Alan Platt
Ms. Sidney Katherine Powell
Mr. Oscar Rey Rodriguez
Ms. Cassandra Ann Sepanik
Mr. Ben Taylor
Mr. Steven H. Thomas

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 12-40122

In the Matter of: HALO WIRELESS, INCORPORATED,

Debtor

HALO WIRELESS, INCORPORATED,

Appellant

v.

ALENCO COMMUNICATIONS INCORPORATED; ALMA COMMUNICATIONS COMPANY; BPS TELEPHONE COMPANY; BELLSOUTH TELECOMMUNICATIONS, L.L.C., doing business as AT&T Alabama; BIG BEND TELEPHONE COMPANY, INCORPORATED; BLUE RIDGE TELEPHONE COMPANY; BRAZORIA TELEPHONE COMPANY; CAMDEN TELEPHONE & TELEGRAPH COMPANY, INCORPORATED; CHARITON VALLEY TELECOM CORPORATION; CHARITON VALLEY TELEPHONE CORPORATION; CHOCTAW TELEPHONE COMPANY; CITIZENS TELEPHONE COMPANY OF HIGGINSVILLE, MISSOURI; CONCORD TELEPHONE EXCHANGE, INCORPORATED; CRAW-KAN TELEPHONE COOPERATIVE, INCORPORATED; EASTEX TELEPHONE COOPERATIVE, INCORPORATED; ELECTRA TELEPHONE COMPANY, INCORPORATED; ELLINGTON TELEPHONE COMPANY; FARBER TELEPHONE COMPANY; FIDELITY COMMUNICATION SERVICES I, INCORPORATED; FIDELITY COMMUNICATION SERVICES II, INCORPORATED; FIDELITY TELEPHONE COMPANY; FIVE AREA TELEPHONE COOPERATIVE, INCORPORATED; GANADO TELEPHONE COMPANY; GOODMAN TELEPHONE COMPANY; GRANBY TELEPHONE COMPANY; GRAND RIVER MUTUAL TELEPHONE COMPANY; GREEN HILLS AREA CELLULAR; GREEN HILLS TELEPHONE CORPORATION;

EXHIBIT "E"

HILL COUNTRY TELEPHONE COOPERATIVE, INCORPORATED;
HOLWAY TELEPHONE COMPANY; HUMPHREYS COUNTY
TELEPHONE COMPANY; IAMO TELEPHONE COMPANY; ILLINOIS
BELL TELEPHONE COMPANY, doing business as AT&T Illinois; INDIANA
BELL TELEPHONE COMPANY, INC., doing business as AT&T Indiana;
INDUSTRY TELEPHONE COMPANY; K.L.M. TELEPHONE COMPANY;
KINGDOM TELEPHONE COMPANY; LAKE LIVINGSTON TELEPHONE
COMPANY, INCORPORATED; LATHROP TELEPHONE COMPANY; LE-
RU TELEPHONE COMPANY; LIVINGSTON TELEPHONE COMPANY;
MARK TWAIN COMMUNICATION COMPANY; MARK TWAIN RURAL
TELEPHONE COMPANY; MCDONALD COUNTY TELEPHONE
COMPANY; MICHIGAN BELL TELEPHONE COMPANY, doing business as
AT&T Michigan; MID-MISSOURI TELEPHONE COMPANY; MID-PLAINS
RURAL TELEPHONE COOPERATIVE, INCORPORATED; MILLER
TELEPHONE COMPANY; MOKAN DIAL, INCORPORATED; NELSON-
BALL GROUND TELEPHONE COMPANY; NEVADA BELL TELEPHONE
COMPANY, doing business as AT&T Nevada; NEW FLORENCE
TELEPHONE COMPANY; NEW LONDON TELEPHONE COMPANY;
NORTEX COMMUNICATIONS COMPANY; NORTH TEXAS TELEPHONE
COMPANY; ORCHARD FARM TELEPHONE COMPANY; OZARK
TELEPHONE COMPANY; PACIFIC BELL TELEPHONE COMPANY, doing
business as AT&T California; PEACE VALLEY TELEPHONE COMPANY,
INCORPORATED; PEOPLES TELEPHONE COOPERATIVE,
INCORPORATED; QUINCY TELEPHONE COMPANY; RIVERA
TELEPHONE COMPANY, INCORPORATED; ROCK PORT TELEPHONE
COMPANY; SANTA ROSA TELEPHONE COOPERATIVE,
INCORPORATED; SENECA TELEPHONE COMPANY; SOUTHWEST
TEXAS TELEPHONE COMPANY; SOUTHWESTERN BELL TELEPHONE
COMPANY, doing business as AT&T Arkansas; STEELVILLE TELEPHONE
EXCHANGE, INCORPORATED; STOUTLAND TELEPHONE COMPANY;
TATUM TELEPHONE COMPANY; TELLICO TELEPHONE COMPANY;
TENNESSEE TELEPHONE COMPANY; MISSOURI PUBLIC SERVICE
COMMISSION; OHIO BELL TELEPHONE COMPANY, doing business as
AT&T Ohio; TOTELCOM COMMUNICATIONS, L.L.C.; VALLEY
TELEPHONE COOPERATIVE INC; WEST PLAINS
TELECOMMUNICATIONS, INCORPORATED; WISCONSIN BELL
TELEPHONE, INCORPORATED, doing business as AT&T Wisconsin; AT&T
KANSAS; AT&T MISSOURI; AT&T OKLAHOMA; AT&T TEXAS; AT&T
FLORIDA; AT&T GEORGIA; AT&T KENTUCKY; AT&T LOUISIANA;
AT&T MISSISSIPPI; AT&T NORTH CAROLINA; AT&T SOUTH
CAROLINA; AT&T TENNESSEE; TDS TELECOMMUNICATIONS

CORPORATION; CROCKETT TELEPHONE CO; WEST TENNESSEE
TELEPHONE COMPANY INC; NORTH CENTRAL TELEPHONE COOP,
INCORPORATED; HIGHLAND TELEPHONE COOPERATIVE,
INCORPORATED; GUADALUPE VALLEY TELEPHONE COOPERATIVE,
INCORPORATED; NORTHEAST MISSOURI RURAL TELEPHONE
COMPANY,

Appellees

Appeal from the United States District Court for the
Eastern District of Texas, Sherman

ORDER:

IT IS ORDERED that appellant's opposed motion to expedite the
briefing schedule and oral argument is GRANTED.

/s/ E. Grady Jolly
E. GRADY JOLLY
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

February 14, 2012

Mr. Edwin Paul Keiffer
Wight Ginsberg Brusilow
325 N. Saint Paul Street
Republic Center
Suite 4150
Dallas, TX 75201-0000

Ms. Sidney Katherine Powell
3831 Turtle Creek Boulevard
Suite 5B
Dallas, TX 75219-0000

Mr. Steven H. Thomas
McGuire, Craddock & Strother, P.C.
2501 N. Harwood Street
Suite 1800
Dallas, TX 75201-0000

No. 12-40122, Halo Wireless, Incorporated v. Alenco
Communications Inc, et al
USDC No. 11-42464

We have docketed the appeal as shown above, and ask you to use the case number in future inquiries. You can obtain a copy of our briefing checklist on the Fifth Circuit's Website "www.ca5.uscourts.gov/clerk/docs/brchecklist.pdf".

Briefing Notice. The record is complete for purposes of the appeal, see FED. R. APP. P. 12. Appellant's brief and record excerpts are due within 40 days of the date shown above, see FED. R. APP. P. & 5TH CIR. R. 28, 30, and 31. See also 5TH CIR. R. 30.1.2 and 5TH CIR. R. 31.1 to determine if you have to file electronic copies of the brief and record excerpts. [If required, **electronic copies MUST be in Portable Document Format (PDF).**]

Policy on Extensions. The court grants extensions sparingly and under the criteria of 5TH CIR. R. 31.4. You must contact opposing counsel and tell us if the extension is opposed or not. 5TH CIR. R. 31.4 and the Internal Operating Procedures following rules 27 and 31 state that except in the most extraordinary circumstances, the maximum extension for filing briefs is 30 days in criminal cases and 40 days in civil cases.

EXHIBIT "F"

Reply Brief. We do not send cases to the court until all briefs are filed, except in criminal appeals. Reply briefs must be filed within the 14 day period of FED. R. APP. P. 31(a)(1). See 5TH CIR. R. 31.1 to determine if you have to file electronic copies of the brief, and the format.

Brief Covers. THE CASE CAPTION(S) ON BRIEF COVERS MUST BE EXACTLY THE SAME AS THE CASE CAPTION(S) ON THE ENCLOSED TITLE CAPTION SHEET(S). **YOU WILL HAVE TO CORRECT ANY MODIFICATIONS YOU MAKE TO THE CAPTION(S) BEFORE WE SUBMIT YOUR BRIEF TO THE COURT.**

Dismissal of Appeals. The clerk may dismiss appeals **without notice** if you do not file a brief on time.

Appearance Form. If you have not filed an appearance form as required by 5TH CIR. R. 46, you must do so within 14 days from this date. You must name each party you represent, See FED. R. APP. P. and 5TH CIR. R. 12. You may print or download the "Form for Appearance of Counsel" from the Fifth Circuit's web site, www.ca5.uscourts.gov.

Sincerely,

LYLE W. CAYCE, Clerk

By: 

Peter A. Conners, Deputy Clerk
504-310-7685

Enclosure(s)

cc w/encl:

Ms. Katharine Elizabeth Battaia
Mr. David Mark Bennett
Ms. Brook Bennett Brown
Mr. Jay Tyson Covey
Mr. Toby L. Gerber
Ms. Jennifer Leigh Heintz
Mr. Michael Edward Kabat
Mr. Richard D. Milvenan
Mr. Richard Barrett Phillips Jr.
Mr. Mark Alan Platt
Mr. Oscar Rey Rodriguez
Ms. Cassandra Ann Sepanik
Mr. Ben Taylor

P.S. to All Counsel: In light of this court's order of 2/8/12, this briefing schedule is being expedited. The briefing schedule will proceed as follows: Appellant's brief due 2/17/12; Appellees' brief due 33 days later on 3/22/12, and any reply brief due 17 days later by 4/9/12. The parties must strictly adhere to this schedule as briefing must be completed one week prior to oral argument. Extensions of time should not be requested.

Case No. 12-40122

In the Matter of: HALO WIRELESS, INCORPORATED,
Debtor

HALO WIRELESS, INCORPORATED,
Appellant

v.

ALENCO COMMUNICATIONS INCORPORATED; ALMA COMMUNICATIONS COMPANY;
BPS TELEPHONE COMPANY; BELLSOUTH TELECOMMUNICATIONS, L.L.C., doing
business as AT&T Alabama; BIG BEND TELEPHONE COMPANY,
INCORPORATED; BLUE RIDGE TELEPHONE COMPANY; BRAZORIA TELEPHONE
COMPANY; CAMDEN TELEPHONE & TELEGRAPH COMPANY, INCORPORATED;
CHARITON VALLEY TELECOM CORPORATION; CHARITON VALLEY TELEPHONE
CORPORATION; CHOCTAW TELEPHONE COMPANY; CITIZENS TELEPHONE
COMPANY OF HIGGINSVILLE, MISSOURI; CONCORD TELEPHONE EXCHANGE,
INCORPORATED; CRAW-KAN TELEPHONE COOPERATIVE, INCORPORATED;
EASTEX TELEPHONE COOPERATIVE, INCORPORATED; ELECTRA TELEPHONE
COMPANY, INCORPORATED; ELLINGTON TELEPHONE COMPANY; FARBER
TELEPHONE COMPANY; FIDELITY COMMUNICATION SERVICES I,
INCORPORATED; FIDELITY COMMUNICATION SERVICES II, INCORPORATED;
FIDELITY TELEPHONE COMPANY; FIVE AREA TELEPHONE COOPERATIVE,
INCORPORATED; GANADO TELEPHONE COMPANY; GOODMAN TELEPHONE
COMPANY; GRANBY TELEPHONE COMPANY; GRAND RIVER MUTUAL TELEPHONE
COMPANY; GREEN HILLS AREA CELLULAR; GREEN HILLS TELEPHONE
CORPORATION; HILL COUNTRY TELEPHONE COOPERATIVE, INCORPORATED;
HOLWAY TELEPHONE COMPANY; HUMPHREYS COUNTY TELEPHONE COMPANY;
IAMO TELEPHONE COMPANY; ILLINOIS BELL TELEPHONE COMPANY, doing
business as AT&T Illinois; INDIANA BELL TELEPHONE COMPANY, INC.,
doing business as AT&T Indiana; INDUSTRY TELEPHONE COMPANY;
K.L.M. TELEPHONE COMPANY; KINGDOM TELEPHONE COMPANY; LAKE
LIVINGSTON TELEPHONE COMPANY, INCORPORATED; LATHROP TELEPHONE
COMPANY; LE-RU TELEPHONE COMPANY; LIVINGSTON TELEPHONE COMPANY;
MARK TWAIN COMMUNICATION COMPANY; MARK TWAIN RURAL TELEPHONE
COMPANY; MCDONALD COUNTY TELEPHONE COMPANY; MICHIGAN BELL
TELEPHONE COMPANY, doing business as AT&T Michigan; MID-MISSOURI
TELEPHONE COMPANY; MID-PLAINS RURAL TELEPHONE COOPERATIVE,
INCORPORATED; MILLER TELEPHONE COMPANY; MOKAN DIAL, INCORPORATED;
NELSON-BALL GROUND TELEPHONE COMPANY; NEVADA BELL TELEPHONE
COMPANY, doing business as AT&T Nevada; NEW FLORENCE TELEPHONE
COMPANY; NEW LONDON TELEPHONE COMPANY; NORTEX COMMUNICATIONS
COMPANY; NORTH TEXAS TELEPHONE COMPANY; ORCHARD FARM TELEPHONE
COMPANY; OZARK TELEPHONE COMPANY; PACIFIC BELL TELEPHONE COMPANY,
doing business as AT&T California; PEACE VALLEY TELEPHONE
COMPANY, INCORPORATED; PEOPLES TELEPHONE COOPERATIVE,
INCORPORATED; QUINCY TELEPHONE COMPANY; RIVERA TELEPHONE COMPANY,
INCORPORATED; ROCK PORT TELEPHONE COMPANY; SANTA ROSA TELEPHONE
COOPERATIVE, INCORPORATED; SENECA TELEPHONE COMPANY; SOUTHWEST
TEXAS TELEPHONE COMPANY; SOUTHWESTERN BELL TELEPHONE COMPANY,

doing business as AT&T Arkansas; STEELVILLE TELEPHONE EXCHANGE, INCORPORATED; STOUTLAND TELEPHONE COMPANY; TATUM TELEPHONE COMPANY; TELLICO TELEPHONE COMPANY; TENNESSEE TELEPHONE COMPANY; MISSOURI PUBLIC SERVICE COMMISSION; OHIO BELL TELEPHONE COMPANY, doing business as AT&T Ohio; TOTELCOM COMMUNICATIONS, L.L.C.; VALLEY TELEPHONE COOPERATIVE INC; WEST PLAINS TELECOMMUNICATIONS, INCORPORATED; WISCONSIN BELL TELEPHONE, INCORPORATED, doing business as AT&T Wisconsin; AT&T KANSAS; AT&T MISSOURI; AT&T OKLAHOMA; AT&T TEXAS; AT&T FLORIDA; AT&T GEORGIA; AT&T KENTUCKY; AT&T LOUISIANA; AT&T MISSISSIPPI; AT&T NORTH CAROLINA; AT&T SOUTH CAROLINA; AT&T TENNESSEE; TDS TELECOMMUNICATIONS CORPORATION; CROCKETT TELEPHONE CO; WEST TENNESSEE TELEPHONE COMPANY INC; NORTH CENTRAL TELEPHONE COOP, INCORPORATED; HIGHLAND TELEPHONE COOPERATIVE, INCORPORATED; GUADALUPE VALLEY TELEPHONE COOPERATIVE, INCORPORATED; NORTHEAST MISSOURI RURAL TELEPHONE COMPANY,

Appellees

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

February 08, 2012

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 12-40122 Halo Wireless, Incorporated v. Alenco
Communications Inc, et al
USDC No. 11-42464

Enclosed is a copy of the court's order granting the motion to expedite briefing and oral argument. At the direction of the court, this case is being placed on the oral argument calendar for the week of April 30, 2012. The court's calendar giving the exact date and place of the oral argument will issue at least one month in advance of the oral argument date. Once the record is received from the Bankruptcy Court, an expedited briefing schedule will issue. You will be required to strictly adhere to the briefing schedule once it's issued so that briefs are available to the court prior to oral argument. The expedited briefing schedule will issue under separate cover.

Sincerely,

LYLE W. CAYCE, Clerk

By: 
Peter A. Conners, Deputy Clerk
504-310-7685

Ms. Katharine Elizabeth Battaia
Mr. David Mark Bennett
Ms. Brook Bennett Brown
Mr. Jay Tyson Covey
Mr. Toby L. Gerber
Ms. Jennifer Leigh Heintz
Ms. Jeanne Henderson
Mr. Michael Edward Kabat
Mr. Edwin Paul Keiffer
Mr. Richard D. Milvenan
Mr. Richard Barrett Phillips Jr.
Mr. Mark Alan Platt
Ms. Sidney Katherine Powell
Mr. Oscar Rey Rodriguez
Ms. Cassandra Ann Sepanik
Mr. Ben Taylor
Mr. Steven H. Thomas

EXHIBIT "G"

