

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IN RE:	§	
UPH HOLDINGS, INC.	§	CASE NO. 13-10570
PAC-WEST TELECOMM, INC.	§	CASE NO. 13-10571
TEX-LINK COMMUNICATIONS, INC.	§	CASE NO. 13-10572
UNIPOINT HOLDINGS, INC.	§	CASE NO. 13-10573
UNIPOINT ENHANCED SERVICES, INC.	§	CASE NO. 13-10574
UNIPOINT SERVICES, INC.	§	CASE NO. 13-10575
NWIRE, LLC	§	CASE NO. 13-10576
PEERING PARTNERS COMMUNICATIONS, LLC	§	CASE NO. 13-10577

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 COMMISSION  
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**DEBTORS.**

**CHAPTER 11**

EIN: 45-1144038; 68-0383568; 74-  
2729541; 20-3399903; 74-3023729; 38-  
3659257; 37-1441383; 27-2200110; 27-  
4254637

6500 RIVER PL. BLVD., BLDG. 2, # 200  
AUSTIN, TEXAS 78730

**JOINTLY ADMINISTERED  
UNDER CASE NO. 13-10570-TMD**

**MOTION FOR CONTINUANCE OF HEARING ON  
DEBTORS' MOTION TO DETERMINE TAX LIABILITY  
SET FOR JANUARY 9, 2014, AS TO BEXAR, DALLAS, HARRIS,  
AND TRAVIS COUNTIES, AND ALDINE INDEPENDENT SCHOOL DISTRICT**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE TONY M. DAVIS:

COMES NOW UPH Holdings, Inc., ("UPH"), Pac-West Telecomm, Inc., ("Pac-West"),  
Tex-Link Communications, Inc. ("Tex-Link") UniPoint Holdings, Inc. ("UniPoint Holdings"),  
UniPoint Enhanced Services, Inc. ("UniPoint Enhanced Services"), UniPoint Services, Inc.,  
("UniPoint Services"), nWire, LLC ("nWire"), and Peering Partners Communications, LLC  
("Peering Partners") (collectively the "Debtors"), the Debtors-In-Possession in this case, and  
pursuant to Fed. R. Bankr. Pro. 9006(b)(1), files their Motion for Continuance of the Hearing on  
the Debtors' Motion to Determine Tax Liability set for January 9, 2014 as to Bexar, Dallas,

Harris, and Travis Counties, and Aldine Independent School District (the "Motion"). In support of this Motion, the Debtors state as follows:

**I. BACKGROUND**

1. On March 25, 2013 ("Petition Date"), the Debtors filed their voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101, et. seq. (as amended, the "Bankruptcy Code"). The Debtors continue to operate as debtors-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

2. On April 15, 2013, the Committee of Unsecured Creditors ("Committee") [Dckt. No. 91] was appointed.

3. The Debtors are a group of affiliated entities that provide telecommunication services in a variety of contexts including voice over Internet protocol ("VoIP"), local exchange and enhanced telecommunications, and data services.

4. Currently set on the Court's docket is the Debtors' Motion Pursuant to 11 U.S.C. § 505(a) for the Determination of Debtors' Tax Liability ("Debtors' § 505 Motion") [Dckt. No. 499], which is currently set for Thursday, January 9, 2014. The Debtors' § 505 Motion requests that the Court make a determination of property tax liability with respect to various taxing authorities. The Debtors hereby request that the hearing be continued to the Debtors' April omnibus date, of April 10, 2014, at 1:30 p.m. as to Bexar County, Dallas County, Harris, and Travis Counties, Texas, and Aldine Independent School District ("Aldine ISD") (collectively the "Taxing Authorities"). The Debtors and the Taxing Authorities have been consulting with respect to resolution of the issues raised in the Debtors' § 505 Motion. Prior to this Motion, the Court entered its Order Granting Debtors' Motion for Continuance of Hearing on Debtors' Motion to Determine Tax Liability Set for October 10, 2013, as to Bexar, Dallas, Harris, and Travis Counties, and Aldine Independent School District [Dckt. No. 547], and its Order Granting Debtors' Motion for Continuance of Hearing on

Debtors' Motion to Determine Tax Liability Set for November 13, 2013, as to Bexar, Dallas, Harris, and Travis Counties, and Aldine Independent School District [Dckt. No. 607]. Since such time, the Debtors have been involved in gathering documentation necessary to attempt non-judicial resolution of the issues raised in the Debtors' § 505 Motion, following discussions with the Taxing Authorities, and are still involved in those efforts. Good cause therefore exists for the requested continuance to permit the Debtors and the Taxing Authorities to attempt non-judicial resolution of the issues raised in the Debtors' § 505 Motion. The Debtors have consulted with counsel for the Taxing Authorities the subject of this Motion and respective counsel consents to the continuance requested herein.

WHEREFORE, PREMISES CONSIDERED, the Debtors respectfully request that the Court enter an order continuing the hearing on the Debtors' Motion Pursuant to 11 U.S.C. § 505(a) for the Determination of Debtors' Tax Liability ("Debtors' § 505 Motion") [Dckt. No. 499] to April 10, 2014, at 1:30 p.m. (CST); and granting such other and further relief to which the Debtors are justly entitled.

Dated: January 3, 2013.

Respectfully submitted,

JACKSON WALKER L.L.P.  
100 Congress Ave., Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
(512) 236-2002 - FAX

By: /s/ Patricia B. Tomasco  
Patricia B. Tomasco  
State Bar No. 01797600  
(512) 236-2076 – Direct Phone  
(512) 691-4438 – Direct Fax  
Email address: [ptomasco@jw.com](mailto:ptomasco@jw.com)

Jennifer F. Wertz  
State Bar No. 24072822  
(512) 236-2247 – Direct Phone  
(512) 391-2147 – Direct Fax  
Email address: [jwertz@jw.com](mailto:jwertz@jw.com)

**COUNSEL FOR DEBTORS-IN-  
POSSESSION**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on the 30th day of December, 2013, I conferred with Beth Weller, counsel for Bexar County, Dallas County, and Harris County, concerning the continuance requested herein, and Ms. Weller indicated that she agreed to such continuance. I also hereby certify that on the 31st day of December 2013, I conferred with Kay D. Brock, counsel for Travis County, concerning the continuance requested herein, and both Ms. Harris and Ms. Brock agreed to such continuance. I have attempted to contact Courtney Harris, counsel for Aldine Independent School District, concerning the continuance requested herein, but I have received no response.

/s/ Jennifer F. Wertz  
Jennifer F. Wertz



**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of January, 2014, a true and correct copy of the foregoing was served via the Court's CM/ECF electronic notification system on all parties requesting same, and via US first class mail, post prepaid to the parties listed below, and on the attached service list.

Dana Flanagan-McBeth  
State Board of Equalization  
Legal Dept.  
450 N Street – MIC:82  
PO Box 942879  
Sacramento, CA 94279-0082

Kay D. Brock  
Travis County Attorney  
PO Box 1748  
Austin, Texas 78767

Barry S Glaser  
Steckbauer Weinhart, LLP  
333 South Hope Street, 36th Floor  
Los Angeles, CA 90071

California State Board of  
Equalization  
Special Operations Branch, MIC 55  
P.O. Box 942879  
Sacramento, CA 94279-0055

Aldine IDS District Tax Office  
14909 Aldine Westfield Road  
Houston, Texas 77032

Bexar County  
c/o David G. Alvoet  
LINEBARGER GOGGAN BLAIR &  
SAMPSON, LLP  
711 Navarro, Suite 300  
San Antonio, TX 78205

Dallas County  
c/o Elizabeth Weller  
LINEBARGER GOGGAN BLAIR &

SAMPSON, LLP  
2323 Bryan Street, Suite 1600  
Dallas, TX 75201

Harris County  
c/o John P. Dillman  
LINEBARGER GOGGAN BLAIR &  
SAMPSON, LLP  
P.O. Box 3064  
Houston, TX 77253-3064

Los Angeles County  
Treasurer and Tax Collector  
P.O. Box 54110  
Los Angeles, CA 90054-0110

Travis County  
c/o Kay D. Brock  
P.O. Box 1748  
Austin, TX 78767

County of San Joaquin  
Treasurer & Tax Collector  
Revenue & Recovery Division  
350 E. Weber Avenue  
Stockton, CA 95202-2708

San Joaquin County  
Environmental Health Department  
1868 E. Hazelton Ave.  
Stockton, CA 95205

Shabbir A. Khan  
San Joaquin County Tax Collector  
P.O. Box 2169  
Stockton, CA 95201-2169

/s/ Patricia B. Tomasco  
Patricia B. Tomasco

SERVICE LIST

Steve Hubbard / RBC  
202 US Route One, Suite 206  
Falmouth, ME 04105

Telesense  
Cabs Department  
P.O. Box 364300  
Las Vegas, NV 89133-6430

Frontier  
P.O. Box 92713  
Rochester, NY 14692-0000

Samsara  
1250 S Capital of Texas Highway  
Bldg 2-235  
West Lake Hills, TX 78746

Telus Corporation  
215 Slater Street  
Ottawa, Ontario, K1P 5N5  
CANADA

Bandwidth.Com, Inc.  
75 Remittance Drive, Suite 6647  
Chicago, IL 60675

FPL FiberNet LLC  
TJ412-01-0-R  
ATTN: FISCAL SERVICES  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Stuart Komrower  
Ilana Volkov  
Cole, Schotz, Meisel, Forman &  
Leonard, P.A.  
25 Main Street  
Hackensack, New Jersey 07601

United States Attorney  
816 Congress Avenue, Suite 1000  
Austin, TX 78701

One Communications/Earthlink  
P.O. Box 415721  
Boston, MA 02241-5721

Cox Communications  
ATTN: COX ACCESS BILLING  
P.O. Box 1053390  
Atlanta, GA 30348-5339

Cogent Communications  
P.O. Box 791087  
Baltimore, MD 21279-1087

La Arcata Development Limited  
ATTN: ACCOUNTS RECEIVABLE  
c/o NAI Reco Partners  
1826 N. Loop 1604 W, #250  
San Antonio, TX 78248

Alpheus Communication  
Attn: SVP – Contract Administration  
1301 Fannin, 20<sup>th</sup> Floor  
Houston, TX 77002

Pac Bell  
P.O. Box 166490  
Atlanta, GA 30321-0649

Pilot Communications  
P.O. Box 77766  
Stockton, CA 95267-1066

Valerie Wenger  
Office of the U.S. Trustee  
903 San Jacinto Blvd., room 230  
Austin, Texas 78701

United States Attorney General  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

America OnLine  
P.O. Box 1450  
Minneapolis, MN 55485-8702

CenturyLink  
P.O. Box 2961  
Phoenix, AZ 85062-2961

Genband, Inc.  
P.O. Box 731188  
Dallas, TX 75373-1188

Grande Communications Network  
Dept 1204  
P.O. Box 121204  
Dallas, TX 75312-1204

Hines Reit One Wilshire, L.P.  
Dept 34124  
P.O. Box 390000  
San Francisco, CA 94139

Arent Fox LLP  
1050 Connecticut Ave. N.W.  
Washington, DC 20036-5339

Arthur A. Stewart  
William A. Frazell  
Assistant Attorneys General  
Bankruptcy & Collections Division  
P.O. Box 12548  
Austin, Texas 78711-2548

Internal Revenue Service  
P. O. Box 21126  
Philadelphia, PA 19114

Texas Comptroller of Public  
Accounts  
Revenue Accounting Division –  
Bankruptcy Section  
P.O. Box 13528  
Austin, TX 78711

Texas Workforce Commission  
TEC Building – Bankruptcy  
101 East 15th Street  
Austin, TX 78778

James Ruiz  
Andrew J. Schumaker  
Winstead P.C.  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701

UPH Holdings, Inc./Pac-West  
Telecomm, Inc./Tex-Link  
Communications, Inc./UniPoint  
Holdings, Inc.  
UniPoint Enhanced Services,  
Inc./UniPoint Services, Inc./nWire,  
LLC  
Peering Partners Communications,  
Inc.  
6500 River Place Blvd., Bldg. 2, Suite  
200  
Austin, Texas 78730

A. Kenneth Hennessey  
ALLEN MATKINS  
1900 Main Street, 5th Floor  
Irvine, CA 92614-7321

Mitchell W. Katz  
1801 California Street, 9th Floor  
Denver, CO 80202

Timothy Bortz  
Commonwealth of Pennsylvania  
Dept. of Labor and Industry  
Reading Bankruptcy & Compliance  
Unit  
625 Cherry Street, Room 203  
Reading, PA 19602-1152

Elizabeth Weller  
LINEBARGER GOGGAN BLAIR &  
SAMPSON, LLP  
2323 Bryan Street, Suite 1600  
Dallas, TX 75201

Hercules Technology II, LP  
31 St. James Avenue, Suite 790  
Boston, MA 02116

Kelly M. Crawford, Esq.  
Peter C. Lewis, Esq.  
Scheef & Stone, L.L.P.  
500 N. Akard, 27th floor  
Dallas, Texas 75201

Melissa A. Haselden  
HOOVER SLOVACEK LLP  
5847 San Felipe, Suite 2200  
Houston, Texas 77042

David F. Brown  
Ewell, Bickham, & Brown LLP  
111 Congress Avenue, Suite 400  
Austin, Texas 78701

Philip G. Eisenberg  
W. Steven Bryant  
Locke Lord LLP  
600 Travis Street, Suite 2800  
Houston, Texas 77002

James V. Hoeffner  
GRAVES, DOUGHERTY,  
HEARON MOODY, P.C.  
401 Congress Avenue, Suite 2200  
Austin, Texas 78701

Hercules Technology Growth  
Capital, Inc.,  
31 St. James Avenue, Suite 790  
Boston, MA 02116

Jason S. Brookner  
LOOPER REED & MCGRAW  
P.C.  
1601 Elm Street, Suite 4600  
Dallas, TX 75201

Kurt F. Gwynne  
Reed Smith  
1201 N Market Street, Suite 1500  
Wilmington, DE 19801

Linda Boyle, Esq.  
tw telecom inc.  
10475 Park Meadows Drive, # 400  
Littleton, CO 80124

Craig A. Wolfe, Esq.  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, New York 10178



John Dillman  
Attorney in Charge for Taxing  
Authority  
Linebarger Goggan Blair & Sampson,  
LLP  
PO Box 3064  
Houston, Texas 77253-3064

Joseph R. Dunn  
Mintz Levin Cohn Ferris Glovsky and  
Popeo, PC  
3580 Carmel Mountain Rd., Suite 300  
San Diego, CA 92130

Dun & Bradstreet  
c/o Ronald Rowland  
307 International Circle, Ste 270  
Hunt Valley, MD 21030

Laura Garfinkel  
CABS Billing Division  
GSAssociates  
5400 Laurel Springs Parkway, Suite  
404  
Suwanee, GA 30024

Boxer F2, LP  
c/o Tracy Fink  
720 N Post Oak Blvd., Suite 500  
Houston, Texas 77024

Frank N. White  
Arnall Golden Gregory LLP  
171 17th Street NW, Suite 2100  
Atlanta, Georgia 30363-1031

David I. Swan  
Lori M. Scott  
J Robertson Clarke  
McGuire Woods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, Virginia 22102

IBM Corporation  
Bankruptcy Coordinator  
Roger Laviolette  
275 Viger East, Suite 400  
Montreal, QC H2X 3R7  
Canada

Kate P. Foley  
Christine E. Devine  
Mirick O'Connell, DeMallie &  
Lougee  
1800 West Park Drive, Suite 400  
Westborough, MA 01581

Courtney Harris  
Aldine IDS  
14910 Aldine-Westfield Rd.  
Houston, Texas 77032

Leslie E. Trout  
Director of Finance and  
Administration  
Ater Wynne LLP  
1331 NW Lovejoy Street, Suite 900  
Portland, OR 97209

Stephen W. Lemmon  
Sam Chang  
Brown McCarroll, LLP  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701

Christopher H. Trickey  
Brian T. Cummings  
Graves, Dougherty, Hearon & Moody,  
P.C.  
401 Congress Avenue, Suite 2200  
Austin, Texas 78701

Elizabeth G. Smith  
Law Offices of Elizabeth G. Smith  
6655 First Park Ten, Suite 250  
San Antonio, Texas 78213

Richard E. Mikels  
Mintz Levin Cohn Ferris Glovsky  
and Popeo, PC  
One Financial Center  
Boston, MA 02111

Kay D. Brock  
Travis County Attorney's Office  
PO Box 1748  
Austin, Texas 78767-1748

David Aelvoet  
Linebarger Goggan Blair &  
Sampson  
711 Navarro Street, Suite 300  
San Antonio, Texas 78205

Charles E. Richardson, III, Esq.  
Vice President and General Counsel  
Momentum Telecom  
2700 Corporate Drive, Suite 200  
Birmingham, AL 35242

Darryl S. Laddin  
Arnall Golden Gregory LLP  
171 17th Street NW, Suite 2100  
Atlanta, Georgia 30363-1031

Pamella A. Hooper  
McGuire Woods LLP  
327 Congress Avenue, Suite 490  
Austin, Texas 78701

Samuel Castor  
Legal Dept.  
Switch, Ltd.  
7135 Decatur Blvd.  
Las Vegas, NV 89118



Margarita Gevondyan  
Southern California Edison Company  
2244 Walnut Grove Avenue, 3rd Floor  
Rosemead, CA 91770

Eric J. Taube  
Hohmann, Taube & Summers  
100 Congress Avenue, Suite 1800  
Austin, Texas 78701

Steven Willamowsky  
Bingham  
399 Park Avenue  
New York, New York 10022-  
4689

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>IN RE:</b>	§	
<b>UPH HOLDINGS, INC.</b>	§	<b>CASE NO. 13-10570</b>
<b>PAC-WEST TELECOMM, INC.</b>	§	<b>CASE NO. 13-10571</b>
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<b>UNIPOINT SERVICES, INC.</b>	§	<b>CASE NO. 13-10575</b>
<b>NWIRE, LLC</b>	§	<b>CASE NO. 13-10576</b>
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	§	
<b>DEBTORS.</b>	§	<b>CHAPTER 11</b>
	§	
<b>EIN: 45-1144038; 68-0383568; 74- 2729541; 20-3399903; 74-3023729; 38- 3659257; 37-1441383; 27-2200110; 27- 4254637</b>	§	
	§	
<b>6500 RIVER PL. BLVD., BLDG. 2, # 200 AUSTIN, TEXAS 78730</b>	§	<b>JOINTLY ADMINISTERED UNDER CASE NO. 13-10570</b>

**ORDER GRANTING DEBTORS' MOTION FOR CONTINUANCE  
OF HEARING ON DEBTORS' MOTION TO DETERMINE TAX LIABILITY  
SET FOR JANUARY 9, 2014 AS TO BEXAR, DALLAS, HARRIS, AND TRAVIS  
COUNTIES, AND ALDINE INDEPENDENT SCHOOL DISTRICT**

CAME ON FOR CONSIDERATION the Motion for Continuance of Hearing on Debtors' Motion to Determine Tax Liability Set for January 9, 2014 as to Bexar, Dallas, Harris, and Travis Counties, and Aldine Independent School District (the "Motion") filed by UPH Holdings, Inc., ("UPH"), Pac-West Telecom, Inc., ("Pac-West"), Tex-Link Communications, Inc. ("Tex-Link"), UniPoint Holdings, Inc. ("UniPoint Holdings"), UniPoint Enhanced Services, Inc. ("UniPoint Enhanced"), UniPoint Services, Inc., ("UniPoint"), nWire, LLC ("nWire"), and Peering Partners Communications, LLC ("Peering Partners") and the Court, after notice and hearing, having considered the Motion, finds that the Motion should be granted as set forth below. It is therefore:

ORDERED that the hearing on the Debtors' Motion to Determine Tax Liability Set for January 9, 2014, as to Bexar, Dallas, Harris, and Travis Counties, and Aldine Independent School District (as defined in the Motion, "Debtors' § 505 Motion") is hereby reset for April 10, 2014, at 1:30 p.m.

###

Submitted by:

Patricia B. Tomasco  
State Bar No. 01797600  
Jennifer F. Wertz  
State Bar No. 24072822  
JACKSON WALKER L.L.P.  
100 Congress Ave., Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
(512) 236-2002 (fax)

**COUNSEL FOR THE DEBTORS**