

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

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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
	§	
	§	
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

UNOPPOSED MOTION FOR CONTINUANCE OF HEARING ON DEBTORS' MOTION TO DETERMINE TAX LIABILITY SET FOR MAY 15, 2014, AS TO DALLAS AND HARRIS 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 May 15, 2014 as to Dallas, Harris, and

Aldine Independent School District (the "Motion").¹ 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], for Thursday, May 15, 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 June 19, 2014, at 1:30 p.m. as to Dallas & Harris Counties, and Aldine Independent School District ("Aldine ISD") (collectively, the "Taxing Authorities").

5. The Debtors have sought resolution of the issues raised in their § 505 Motion via state procedures with respect to Dallas & Harris Counties and Aldine ISD, involving the Harris County Appraisal District and the Dallas County Appraisal District. The Debtors believe that the issues raised in their § 505 Motion with respect to Dallas have been resolved, and only the filing of amended claims

¹ The Debtors have filed their Notice of Withdrawal of their § 505 Motion as to Bexar and Travis Counties, to which the § 505 Motion previously related. *See* Notice of Withdrawal [Dckt. No. 856]

by Dallas County remains, for which additional time is necessary, as such amended claims have not yet been filed by Dallas County. The Debtors are still pursuing resolution of the issues raised in their § 505 Motion with respect to Harris County and Aldine ISD through the Harris County Appraisal District, and need additional time to pursue such resolution. The Debtors believe that the 25.25(d) motion they have pursued with Harris County is still being processed by Harris County, and additional time is required to allow for such processing.

6. Good cause therefore exists for the requested continuance to permit the Debtors and the Taxing Authorities to, with respect to complete their efforts to achieve 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 June 19, 2014, at 1:30 p.m. (CST); and granting such other and further relief to which the Debtors are justly entitled.

Dated: May 12, 2014.

Respectfully submitted,

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**COUNSEL FOR DEBTORS-IN-
POSSESSION**

CERTIFICATE OF CONFERENCE

I hereby certify that on the 12th day of May 2014, I conferred with Beth Weller, counsel for Dallas County and Harris County, concerning the continuance requested herein, and Ms. Weller indicated that she was not opposed to such continuance. I also conferred with Courteney F. Harris, counsel for Aldine Independent School District, and Ms. Harris indicated that she was unopposed to such continuance.

/s/ Jennifer F. Wertz _____
Jennifer F. Wertz

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May 2014, a true and correct copy of the foregoing was served via the Court's CM/ECF electronic notification system on the parties listed below, and all parties requesting same.

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

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	§	
6500 RIVER PL. BLVD., BLDG. 2, # 200 AUSTIN, TEXAS 78730	§	JOINTLY ADMINISTERED UNDER CASE NO. 13-10570

**ORDER GRANTING DEBTORS' UNOPPOSED MOTION
FOR CONTINUANCE OF HEARING ON DEBTORS' MOTION TO
DETERMINE TAX LIABILITY SET FOR MAY 15, 2014 AS TO DALLAS
AND HARRIS 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 May 15, 2014, as to Dallas and Harris 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 May 15, 2014, as to Dallas and Harris Counties, and Aldine Independent School District (as defined in the Motion, "Debtors' § 505 Motion") is hereby reset for **June 19, 2014, at 1:30 p.m.**

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