

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

The Ohio Bell Telephone Company d/b/a AT&T Ohio,)	
)	
Complainant,)	
)	Case No. 12-1075-TP-CSS
v.)	
)	
Halo Wireless, Inc.,)	
)	
Respondent.)	

UNOPPOSED MOTION TO ENTER CONSENT ORDER

The Ohio Bell Telephone Company d/b/a AT&T Ohio (“AT&T” or “AT&T Ohio”) hereby requests that the Commission approve and enter the attached Consent Order to resolve and conclude this case. In support of this motion, AT&T states as follows:

1. AT&T’s Complaint in this case alleged that Halo Wireless, Inc. (“Halo”) breached its interconnection agreement (“ICA”) with AT&T by (i) sending landline-originated traffic to AT&T. The relief that AT&T requested for the alleged breaches included authorization to discontinue service to Halo and to stop performing under the ICA, as well as a finding by the Commission, without determining any specific amount due, that Halo is liable to AT&T for access charges on the non-local landline-originated traffic Halo sent to AT&T.

2. AT&T incumbent local exchange carriers (“ILECs”) in other states filed identical claims against Halo with the state commissions in those states. The state commissions in Tennessee, South Carolina, Georgia, Wisconsin, Missouri, North Carolina, Louisiana, Illinois and Florida have ruled on the claims by AT&T ILECs against Halo in those states, and all have ruled in favor of the AT&T ILECs.¹

¹ Order, *BellSouth Telecomms. LLC d/b/a AT&T Tennessee v. Halo Wireless, Inc.*, Docket No. 11-00119 (Tenn. Reg. Auth. Jan. 26, 2012) (“*Tennessee Halo Order*”); Order Granting Relief against Halo Wireless, *Complaint and Petition for Relief of BellSouth Telecomms. LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Halo*

3. On July 19, 2012, Halo's Chapter 11 bankruptcy reorganization proceeding in the Eastern District of Texas Bankruptcy Court was converted to a Chapter 7 liquidation proceeding. Shortly thereafter, the Bankruptcy Court appointed Linda Payne as the chapter 7 trustee (the "Trustee") for the Halo estate, and the Trustee terminated all of Halo's business operations effective on July 19, 2012. AT&T Ohio, pursuant to the Trustee's request, disconnected all of its trunks to Halo on or before August 1, 2012.

4. To avoid unnecessary litigation costs and in the interest of administrative efficiency, AT&T Ohio seeks to conclude this case between Halo and AT&T Ohio by asking the Commission to enter the attached Consent Order as soon as reasonably practicable. Based on the rulings of multiple other state commissions in substantially identical cases, and on her determination that a continuation of this matter is of no benefit to the estate, the Trustee consents to the attached Consent Order.

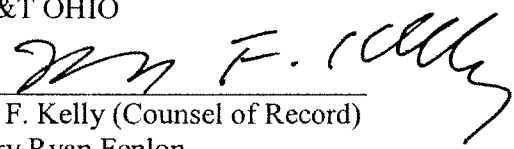
WHEREFORE, AT&T Ohio requests that the Commission adopt and approve the attached Consent Order.

Respectfully submitted this 10th day of December, 2012.

Wireless, Inc., Docket No. 2011-304-C (Pub. Serv. Comm. S.C., July 17, 2012) ("South Carolina Halo Order"); Order on Complaints, *Complaint of TDS Telecom on behalf of its Subsidiaries against Halo Wireless, Inc. Transcom Enhanced Servs., Inc. and Other Affiliates for Failure to Pay Terminating Intrastate Access Charges for Traffic and for Expedited Declaratory Relief and Authority to Cease Termination of Traffic*, Docket No. 34219 (Ga. Pub. Serv. Comm'n July 17, 2012) ("Georgia Halo Order"); Final Decision, *Investigation into Practices of Halo Wireless, Inc., and Transcom Enhanced Services, Inc.*, No. 9594-TI-100 (Pub. Serv. Comm'n of Wis., July 27, 2012) ("Wisconsin Halo Order"); Report and Order, *Halo Wireless, Inc. v. Craw-Kan Telephone Cooperative, et al.*, File No. TC-2012-0331 (Pub. Serv. Comm'n of Missouri, Aug. 1, 2012) ("Missouri Halo Order"); Order Granting Relief, *BellSouth Telecommunications, Inc. v. Halo Wireless, Inc.*, Docket No. P-55, Sub 1841 (N.C. Utils. Comm'n, Sept. 27, 2012) ("North Carolina Halo Order"); *Illinois Bell Tel. Co. and Halo Wireless, Inc.*, Docket No. 12-0182 (Ill. Comm. Comm'n, Oct. 24, 2012) ("Illinois Halo Order"); Final Order, *Complaint and Petition for Relief against Halo Wireless, Inc. for Breaching the Terms of the Wireless Interconnection Agreement*, by *BellSouth Telecommunications, LLC d/b/a AT&T Florida* (Docket No. 11-0234-TP (Fla. Pub Serv. Comm. Oct. 31, 2012) ("Florida Halo Order"). The Louisiana Public Service Commission has voted in favor of AT&T Louisiana but not yet released its final written decision.

THE OHIO BELL TELEPHONE COMPANY
D/B/A AT&T OHIO

By:


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this 10th day of December, 2012, by e-mail, as indicated, on the parties shown below:

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CONSENT ORDER

THIS CAUSE came on this day to be heard on the unopposed request of The Ohio Bell Telephone Company d/b/a AT&T Ohio (“AT&T” or “AT&T Ohio”) that the Commission resolve this complaint case by adopting a consent order in light of the facts set forth in the Unopposed Motion to Enter Consent Order. The Commission finds that the request is well-taken and should be granted.

The Commission hereby enters the following findings of fact and conclusions of law:

- (a) Halo has materially breached the ICA by sending landline-originated traffic to AT&T Ohio;
- (b) As a result of this breach, AT&T Ohio is excused from further performance under the ICA; and
- (c) Without this Commission quantifying any specific amount due, we hereby find that Halo is liable to AT&T Ohio for access charges on the non-local landline-originated traffic Halo has sent to AT&T Ohio for termination to AT&T Ohio’s end user customers.¹

IT IS THEREFORE, ORDERED that this Order shall be effective as of the date hereof.

THE PUBLIC UTILITIES COMMISSION OF OHIO

¹ For the avoidance of doubt, we note that Halo’s liability for access charges on non-local traffic that Halo sent to AT&T Ohio for delivery to third party carriers for termination to their end user customers runs to those third party carriers, rather than to AT&T Ohio.

This foregoing document was electronically filed with the Public Utilities

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12/10/2012 12:46:11 PM

in

Case No(s). 12-1075-TP-CSS

Summary: Motion to enter consent order electronically filed by Jon F Kelly on behalf of AT&T Ohio