### McGuire, Crappock & Strother, P.C.

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August 11, 2011

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VIA CERTIFIED MAIL #7160 3901 9846 4373 7763 RETURN RECEIPT REQUESTED

Ms. Ann Cole Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

> Docket No. 110234-TP - In The Matter Of BellSouth Telecommunications, LLC Re:

dba AT&T Florida v. Halo Wireless, Inc. - Complaint and Petition for Relief

Dear Ms. Cole:

Enclosed please find the original and seven (7) copies of Halo Wireless, Inc.'s Suggestion of Bankruptcy, Notice of Stay, and Notice of Extensions Under 11 U.S.C. § 108.

Sincerely,

McGuire, Craddock & Strother, P.C.

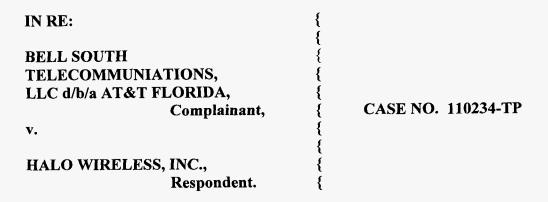
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APA ECR GCL	cc:	Tracy W. Hatch, Esq. (Via Certified Mail #P7160 3901 9846 4373 7770, RRR)  Manuel A. Gurdian, Esq. (Via Certified Mail #P7160 3901 9846 4373 7770, RRR)
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## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION



### SUGGESTION OF BANKRUPTCY, NOTICE OF STAY, AND NOTICE OF EXTENSIONS UNDER 11 U.S.C. §108

Plaintiff Halo Wireless, Inc. ("Halo") hereby files its Suggestion of Bankruptcy.

- 1. On August 8, 2011, Halo filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the Eastern District of Texas (Sherman Division). A copy of the Petition for Relief is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes.
- 2. Pursuant to Section 362 of the Bankruptcy Code, the filing of the Petition operates as a stay of:
  - a. The commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other proceeding against the Debtor that was or could have been commenced before the commencement of the case under this Title, or to recover a claim against the Debtor that arose before the commencement of the case under this Title;
  - b. The enforcement, against the Debtor or against property of the estate, of a judgment obtained before the commencement of the case under this Title;

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-PSC-COMMISSION CLERK

- c. Any act to obtain possession of property of the estate or property from the estate:
- d. Any act to create, perfect, or enforce any lien against property of the estate;
- e. Any act to create, perfect, or enforce against property of the Debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this Title, except to the extent provided in section 362(b);
- f. Any act to collect assets, or recover a claim against the Debtor that arose before the commencement of the case under this title;
- g. The set off of any debt owing to the Debtor that arose before the commencement of the case under this Title against any claim against the Debtor; and
- h. The commencement or continuation of a proceeding before the United States Tax Court concerning the Debtor.
- 3. Accordingly, pursuant to the provisions of 11 U.S.C. §362, the automatic stay prohibits any further action against the Debtor in this proceeding until such time as the Bankruptcy Court may order otherwise.
- 4. In addition, pursuant to Section 108 of the Bankruptcy Code, the filing of the Petition operates to extend the period within which the Debtor may, among other things, file any pleading, commence an action, cure a default, or perform any other similar act fixed by non-bankruptcy law, an order entered in a non-bankruptcy proceeding, or an agreement, if such deadline has not expired prior to the filing of the Petition.

Dated this 11th day of August, 2011.

### Respectfully submitted,

STEVEN H. THOMAS (TX Bar No. 19868890) TROY P. MAJOUE (TX Bar No. 24067738)

JENNIFER M. LARSON (TX Bar No. 24071167)

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### COUNSEL FOR HALO WIRELESS, INC.

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Republic Center, Suite 4150 325 N. St. Paul Street Dallas, Texas 75201 Phone: 214.651.6500

Fax: 214.744.2615

BANKRUPTCY COUNSEL FOR HALO WIRELESS, INC.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing SUGGESTION OF BANKRUPTCY, NOTICE OF STAY AND NOTICE OF EXTENSIONS UNDER 11 U.S.C §108 has been served on the following by directing same to the office address listed below through certified mail, return receipt requested, on this the 11th day of August, 2011:

COUNSEL FOR BELLSOUTH TELECOMMUNICATIONS, LLC D/B/A AT&T FLORIDA:

Tracy W. Hatch, Esq.
Manuel A. Gurdian, Esq.
c/o Gregory R. Follensbee
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301
CERTIFIED MAIL #7160 3901 9846 4373 7770
RETURN RECEIPT REQUESTED

Troy P. Majoue

# **EXHIBIT A**

B1 (Official Form 1) (4/10) UNITED STATES BANKRUPTCY COURT **VOLUNTARY PETITION** Eastern District of Texas Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): Halo Wireless, Inc. All Other Names used by the Joint Debtor in the last 8 years All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): (if more than one, state all): 20-2287342Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 2351 West Northwest Highway, Suite 1204 Dallas, TX ZIP CODE **75220** ZIP CODE County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Mailing Address of Joint Debtor (if different from street address): Mailing Address of Debtor (if different from street address): ZIP CODE ZIP CODE Location of Principal Assets of Business Debtor (if different from street address above): 1701 Commerce Street, Tyler, TX 75702 ZIP CODE Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box.) the Petition is Filed (Check one box.) (Check one box.) Chapter 15 Petition for Health Care Business Chapter 7 Individual (includes Joint Debtors) Single Asset Real Estate as defined in Chapter 9 Recognition of a Foreign See Exhibit D on page 2 of this form. 11 U.S.C. § 101(51B) Chapter 11 Main Proceeding Corporation (includes LLC and LLP) Railroad Chapter 12 Chapter 15 Petition for Partnership Stockbroker Chapter 13 Recognition of a Foreign Other (If debtor is not one of the above entities, Commodity Broker Nonmain Proceeding check this box and state type of entity below.) Clearing Bank Other Nature of Debts (Check one box.) **Tax-Exempt Entity** (Check box, if applicable.) □ Debts are primarily consumer ✓ Debts are primarily debts, defined in 11 U.S.C. business debts. Debtor is a tax-exempt organization § 101(8) as "incurred by an under Title 26 of the United States individual primarily for a Code (the Internal Revenue Code). personal, family, or household purpose." Filing Fee (Check one box.) **Chapter 11 Debtors** Check one box: ✓ Full Filing Fee attached. Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is Check if: Debtor's aggregate noncontingent liquidated debts (excluding debts owed to unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment Filing Fee waiver requested (applicable to chapter 7 individuals only). Must on 4/01/13 and every three years thereafter). attach signed application for the court's consideration. See Official Form 3B. Check all applicable boxes: A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b) Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors  $\checkmark$ 1-49 50-99 100-199 200-999 1,000-5,001-10,001-25,001-50,001-Over 100,000 5,000 10,000 25,000 50,000 100,000 Estimated Assets  $\checkmark$ П П П П \$50,001 to \$100,001 to \$1,000,001 \$500,001 \$10,000,001 \$50,000,001 \$100,000,001 \$0 to \$500,000,001 More than \$50,000 \$100,000 \$500,000 to \$1 to \$10 to \$50 to \$100 to \$500 to \$1 billion \$1 billion million million million million million **Estimated Liabilities** V П \$0 to \$50,001 to \$100,001 to \$500,001 \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$500,000,001 More than \$50,000 \$100,000 \$500,000 to \$50 to \$1 to \$10 to \$100 to \$500 to \$1 billion \$1 billion million million million million

			Page 2		
31 (Official Form 1) (4/10)  Voluntary Petition		Name of Debtor(s):			
(This page must be completed and filed in every case.)		Halo Wireless, Inc.			
All Prior Bankruptcy Cases	Filed Within Last 8 Ye	ears (If more than two, attach additional sheet Case Number:	Date Filed:		
Location Where Filed:			Date Filed:		
Location Where Filed:		Case Number:			
Pending Bankruptcy Case Filed by any Sp	ouse, Partner, or Affil	iate of this Debtor (If more than one, attach a	dditional sheet.)		
Name of Debtor:		Case Number:	Date Filed:		
District: Eastern District of Texas		Relationship:	Judge:		
Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., with the Securities and Exchange Commission pursuant to Section Securities Exchange Act of 1934 and is requesting relief under charge.)	on 13 or 15(d) of the	Exhibit B  (To be completed if debtor is an individual whose debts are primarily consumer debts.)  I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).			
Exhibit A is attached and made a part of this petition.		X	~		
		Signature of Attorney for Debtor(s)	(Date)		
Exhibit C  Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?  Yes, and Exhibit C is attached and made a part of this petition.  No.					
Exhibit D  (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)  Exhibit D completed and signed by the debtor is attached and made a part of this petition.  If this is a joint petition:  Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.					
Information Regarding the Debtor - Venue  (Check any applicable box.)  Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.					
There is a bankruptcy case concerning debtor's	s affiliate, general partn	er, or partnership pending in this District.			
no principal place of business or assets in the	Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.				
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)					
Landlord has a judgment against the debtor	Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)				
		(Name of landlord that obtained judgment)			
		(Address of landlord)			
		rircumstances under which the debtor would bon, after the judgment for possession was enter			
Debtor has included with this petition the de of the petition.					

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

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B1 (Official Form) 1 (4/10)

Voluntary Petition

Voluntary Petition	Name of Debtor(s): Halo Wireless, Inc.	
(This page must be completed and filed in every case.)  Signal		
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative	
I declare under penalty of perjury that the information provided in this petition is true and correct.  [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).  I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.  (Check only one box.)  I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.  Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.	
X	x	
Signature of Debtor	(Signature of Foreign Representative)	
X Signature of Joint Debtor Telephone Number (if not represented by attorney)	(Printed Name of Foreign Representative)  Date	
Date Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer	
X  /s/ E. P. Keiffer  Signature of Attorney for Debtor(s) E. P. Keiffer (11181700)  Printed Name of Attorney for Debtor(s) Wright Ginsberg Brusilow P.C.  Firm Name 325 N. St. Paul Street, Suite 4150  Dallas, TX 75201  Address (214) 651-6500  Telephone Number 08/08/2011  Date  *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.  Signature of Debtor (Corporation/Partnership)	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.  Printed Name and title, if any, of Bankruptcy Petition Preparer  Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)	
I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.	Address X	
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Date	
X /s/ Russell Wiseman	Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.	
Signature of Authorized Individual Russell Wiseman Printed Name of Authorized Individual President Title of Authorized Individual 08/08/2011	Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.	
Date	If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.	
	A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.	

# Open New Bankruptcy Case (External)

### **United States Bankruptcy Court**

### **Eastern District of Texas**

### Notice of Bankruptcy Case Filing

The following transaction was received from E. P. Keiffer entered on 8/8/2011 at 2:09 PM CDT and filed on 8/8/2011

Case Name:

Halo Wireless, Inc.

**Case Number:** 

11-42464

**Document Number: 1** 

### **Docket Text:**

Chapter 11 Voluntary Petition. Without Schedules, Statements and Other Required Documents. Filed by Halo Wireless, Inc. Document Due 08/15/2011. (Keiffer, E.)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: C:\fakepath\Voluntary Petition.pdf

**Electronic document Stamp:** 

[STAMP bkecfStamp\_ID=995489823 [Date=8/8/2011] [FileNumber=11553079-0] [c14e38f33b5338b5921774cff3f6c24fe73771d7cdd84465ed77155bad8212f287fd 2b70ab8df4dc37ade167868d62472e69c26e48a5bb9146b32ce03537d0bf]]

### 11-42464 Notice will be electronically mailed to:

E. P. Keiffer on behalf of Debtor Halo Wireless, Inc. pkeiffer@wgblawfirm.com

US Trustee

USTPRegion06.TY.ECF@USDOJ.GOV

### 11-42464 Notice will not be electronically mailed to: