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April 13, 2012

RECEIVED

APR 16 2012

PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

Re: BellSouth Telecommunications, LLC, d/b/a AT&T
Kentucky, Complainants v. Halo Wireless, Inc., Defendant
PSC 2011-00283

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case are the original and ten (10) copies of Motion for Expedited Procedural Schedule of AT&T Kentucky.

Please let me know if you have any questions.

Sincerely,


Mary K. Keyer

Enclosures

cc: Party of Record

1029991

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

APR 16 2012

PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
BELLSOUTH TELECOMMUNICATIONS, LLC)
d/b/a AT&T KENTUCKY,)
Complainant,)
)
v.)
)
HALO WIRELESS, INC.,)
)
Defendant)

Case No. 2011-00283

MOTION FOR EXPEDITED PROCEDURAL SCHEDULE

BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (“AT&T Kentucky”), by counsel, requests that the Kentucky Public Service Commission issue the proposed expedited procedural schedule, attached hereto, and set a hearing date for June 20-21, 2012, in the above-captioned case. In support of its motion, AT&T Kentucky states as follows:

On July 26, 2011, almost nine months ago, AT&T Kentucky filed its original Complaint seeking an order allowing it to terminate its wireless interconnection agreement (“ICA”) with Halo Wireless, Inc. (“Halo”), based on Halo’s material breaches of that ICA. The ICA does not authorize Halo to send AT&T Kentucky traffic that does not originate on a wireless network, but Halo, in the furtherance of an access charge avoidance scheme, is sending large volumes of traffic to AT&T Kentucky that does not originate on a wireless network, in violation of the ICA. As a result of this and other unlawful Halo practices, Halo owes AT&T Kentucky significant amounts of money that

have continued to grow rapidly each month since the Complaint was filed and that Halo continues to refuse to pay.

Shortly after the Complaint was filed, Halo filed on August 8, 2011, a petition for bankruptcy and asserted the automatic stay provisions of 11 U.S.C. § 362 to prevent this case from moving forward. On September 12, 2011, Halo further delayed adjudication of these claims by removing the case to federal court. After months of legal argument and briefing in both the bankruptcy and federal court proceedings, the case has now been remanded to the Commission for expedited handling. In its Memorandum Opinion and Order remanding the case, the federal court relied in part on the fact that the Commission proceedings would be expedited upon remand. Memorandum Opinion and Order at 13, *In re: Halo Wireless, Inc.*, Case No. 11-42464-btr-11, U. S. Bankruptcy Court (E.D. Tex.); *Ballard Rural Telephone Cooperative Corporation, et al. v. BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky and BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky v. Halo Wireless, Inc.*, Case No. 3: 11-cv-0058-DCR, U. S. District Court (E. D. Ky.); and *BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky v. Halo Wireless, Inc.*, Case No. 3: 11-cv-0059-DCR, U. S. District Court (E.D. Ky.) (Apr. 9, 2012) (“The KPSC proceedings are also ‘capable of timely adjudication,’ as counsel for the Commission indicated at oral argument that they would be expedited upon remand. [citation omitted]”)

In order to bring a stop as soon as possible to Halo’s unlawful conduct, and the ever-increasing damage it is causing, it is imperative that this case be handled expeditiously. AT&T Kentucky requests that the Commission issue the proposed

expedited procedural schedule attached hereto and set a hearing date of June 20-21, 2012.

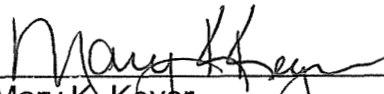
An additional reason to expedite this proceeding is that the determinations in this case will impact a related case that involves the Halo traffic for which the rural local exchange carriers ("RLECs") are seeking compensation from AT&T Kentucky for Halo's traffic terminating on their networks. AT&T Kentucky filed a third party complaint against Halo as the party directly responsible for compensating the RLECs for such traffic. See *Ballard Rural Telephone Cooperative Corporation, Inc., et al. v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky v. Halo Wireless Inc.*, Kentucky PSC Case No. 2011-00199.

AT&T Kentucky asks the Commission to conduct on an expedited basis AT&T Kentucky's claims that ask the Commission to authorize AT&T Kentucky to terminate the Parties' ICA by reason of Halo's material breaches and to determine that Halo owes access charges under the ICA and/or AT&T Kentucky's tariffs for an amount to be later determined. This would stop the unlawful conduct and the resulting ever-increasing damage that AT&T Kentucky will never recover.

Following these determinations, the Commission should expeditiously address the issues raised by the RLECs' Complaint against AT&T Kentucky and AT&T Kentucky's Third-Party Complaint against Halo in Case No. 2011-00199, which also involves amounts owed by Halo for termination of its traffic.

For the reasons stated herein, AT&T Kentucky requests the Commission to expeditiously issue the proposed expedited procedural schedule attached hereto and set this matter for hearing on June 20-21, 2012.

Respectfully submitted,



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

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
BELLSOUTH TELECOMMUNICATIONS, LLC)
d/b/a AT&T KENTUCKY,)
Complainant,)
)
v.) Case No. 2011-00283
)
HALO WIRELESS, INC.,)
)
Defendant)

PROPOSED EXPEDITED PROCEDURAL SCHEDULE

May 8, 2012 AT&T Kentucky Prefiled Direct Testimony

May 25, 2012 Halo Prefiled Response Testimony

June 5, 2012 AT&T Kentucky Prefiled Rebuttal Testimony

June 20-21, 2012 Hearing

Simultaneous Post-Hearing Briefs: 20 days after receipt of hearing transcript

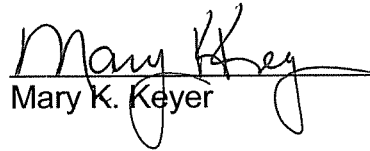
Commission Decision: 30 days after Post-Hearing Briefs

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CERTIFICATE OF SERVICE – PSC 2011-00283

I hereby certify that a copy of the foregoing was served on the following individuals by mailing a copy thereof via U.S. Mail, this 13th day of April 2012.

Russell Wiseman
President & CEO
Halo Wireless, Inc.
2351 West Northwest Hwy., Suite 1204
Dallas, TX 75220


Mary K. Keyer

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