

**Before the
Federal Communications Commission
Washington, D.C. 20554**

UTEX Communications)
Corporation, Petition for)
Preemption) **WC Docket No. 09-134**
)

**UTEX COMMUNICATIONS CORPORATION'S
RENEWED PETITION FOR PREEMPTION**

DECLARATION OF PATRICIA B. TOMASCO

Before me, the undersigned authority, on this day personally appeared Patricia B. Tomasco, known to me to be the person whose name is subscribed hereto, and after having been duly sworn, she did depose and say the following:

1. My name is Patricia B. Tomasco. I am over the age of 18 years, am competent to make this affidavit and have personal knowledge of the facts stated herein. Each and every statement contained herein is true and correct.

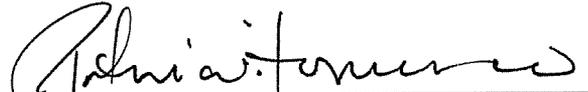
2. I am an attorney duly admitted to practice in the State of Texas.

3. I represent UTEX Communications Corporation in connection with its litigation against Southwestern Bell Telephone Company, d/b/a AT&T Texas ("AT&T") and as litigation counsel in the below referenced Bankruptcy Case.

4. Attached as Exhibit "1" is a true and correct copy of the Notice Regarding Proposal for Award in Docket No. 26381 before the Public Utility Commission of Texas (the "PUCT"). Attached as Exhibit "2" is a true and correct copy of Order No. 32 in PUCT Docket No. 26381. Attached as Exhibit "3" is a true and correct copy of the Debtor's Disclosure Statement filed in *In re UTEX Communications Corp.*, Case No. 10-10599, in the United States Bankruptcy Court for the Western District of Texas, Austin Division (the "Bankruptcy Case").

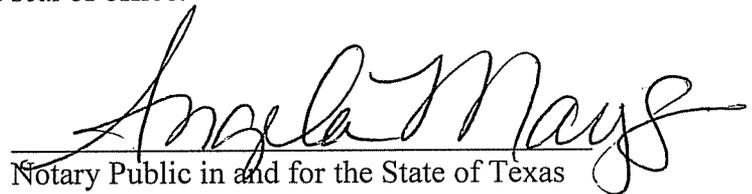
5. Attached as Exhibit "4" is a true and correct copy of the Federal Communications Commission's response to United States House of Representatives Committee on Energy and Commerce Universal Fund Data Request of June 15, 2010.

Further affiant sayeth not.


Patricia B. Tomasco

SWORN TO AND SUBSCRIBED before me by Patricia B. Tomasco on this the 13th day of July, 2010, to certify which witness my hand and seal of office.




Notary Public in and for the State of Texas

My Commission Expires: August 25, 2010