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December 20, 2012

Via ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, WC Docket No. 10-90; GN
Docket No. 09-51, WC Docket No. 07-135; WC Docket No. 05-
337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket
No. 03-109; WT Docket No. 10-208

Dear Ms. Dortch:

Attached for submission in the above-referenced proceedings is a matrix developed by TDS Telecommunications Corp. (“TDS Telecom”) that summarizes the status of the various state regulatory proceedings in the states in which TDS Telecom operates that have considered, or are considering, the intrastate access obligations of Halo Wireless, Inc. (“Halo”). As the attached makes clear, every state that has ruled publicly on this issue has determined that Halo has failed to pay appropriate intrastate access charges to TDS Telecom or another carrier. However, on each such occasion, the state regulatory commission was unable to order Halo to pay the intrastate access charges owed due to Halo’s filing for bankruptcy protection under Chapter 7 of the United States Bankruptcy Code.

As explained in TDS Telecom’s Petition for Limited Waiver filed in the above-referenced proceedings,¹ one practical effect of Halo’s bankruptcy is that TDS Telecom cannot include the amounts owed by Halo in its eligible recovery baseline because no “court or regulatory agency of competent jurisdiction” is empowered to order Halo to pay those amounts by order of the Bankruptcy Court. This will have long-term ramifications on TDS Telecom’s ability to recover amounts to which it is entitled to support the deployment of broadband in its service region. The state regulatory commissions that have ruled against Halo cannot order payment because the same Bankruptcy Court order that allowed state commissions to determine whether access charges applied to Halo traffic has prevented the state commissions from

¹ TDS Telecommunications Corp., Petition for Limited Waiver of 47 C.F.R. § 51.917(c), filed August 10, 2012.

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liquidating any claims against Halo; and TDS Telecom does not expect the Bankruptcy Court to eventually order payment to it because the value of Halo's estate is dwarfed by the amount Halo owes to its creditors. There also is no indication that Halo's bankruptcy proceeding will conclude anytime soon. The bar date for submitting claims is January 10, 2013, and there is no clear schedule for determining which claims will be allowed or disallowed. In short, although Halo clearly has been determined to be liable for payment, TDS Telecom cannot expect any court or regulatory agency of competent jurisdiction to rule that such payment must be made.

Pursuant to the Commission's rules, I am filing a copy of this letter in the above-referenced dockets. Please address any questions concerning this submission to the undersigned.

Respectfully submitted,



Yaron Dori

Attachment

cc: Dan Ball (via e-mail)
Randy Clarke (via e-mail)
Christopher Coves (via e-mail)
Victoria Goldberg (via e-mail)
John Hunter (via e-mail)
Rhonda Lien (via e-mail)

Status of State Commission Proceedings in TDS Telecom States Concerning Halo Wireless
12/20/12

State	Docket Number	Status of Proceeding	Issue Date of State Commission Ruling	Key State Commission Decision(s)	Monetary Award
Alabama	31682	Procedural Ruling Issued	September 25, 2012	1. Hearing discontinued until further notice.	N/A
Florida	110234	Final Order Issued	October 31, 2012	<ol style="list-style-type: none"> 1. Halo has delivered a significant amount of traffic to AT&T that was not "originated through wireless transmitting and receiving facilities." 2. Access charges are due to AT&T for termination of Halo's traffic that is landline-originated. 3. Halo violated its interconnection agreement (ICA) with AT&T and AT&T can terminate performance under the ICA. 	Deferred to Bankruptcy Court
Georgia	34219	Order on Complaints Issued	July 17, 2012	<ol style="list-style-type: none"> 1. TDS Telecom is owed access on the traffic delivered to TDS Telecom from Halo. 2. Halo is operating in the state without a certificate. 3. Transcom is operating without a certificate. 4. AT&T is authorized to disconnect Halo. 5. Ordered Transcom to cease and desist operations in GA until such time that it has a certificate to operate in the state. 	Certified Findings with Bankruptcy Court
Kentucky	2011-00283	Briefs Filed	August 17, 2012	Decision Pending	Pending
Michigan	U-17018	Order Issued	June 26, 2012	1. Complaint mediated and parties accepted the mediator's recommended settlement, which is under seal and unavailable for public view.	Under Seal

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State	Docket Number	Status of Proceeding	Issue Date of State Commission Ruling	Key State Commission Decision(s)	Monetary Award
				<ul style="list-style-type: none"> 2. Complaint dismissed. 3. AT&T disconnected Halo. 	
Mississippi	2011-AD-223	Consent Judgment Issued	December 10, 2012	<ul style="list-style-type: none"> 1. Halo violated its ICA with AT&T and AT&T can terminate performance under the ICA. 2. Halo is liable to the terminating carrier for access charges on the non-local landline-originated traffic that Halo has sent. 	Deferred to Bankruptcy Court
Missouri	TC-2011-0404 TC-2012-0331	Report and Order Issued	August 1, 2012	<ul style="list-style-type: none"> 1. Halo delivered intrastate and interstate access traffic. 2. Halo breached its ICA with AT&T and AT&T may stop accepting traffic from Halo. 3. Halo violated Missouri ERE rule. 4. Halo is liable to TDS Telecom and other complainants for access charges on the interstate and intrastate access traffic that it sent—the precise amount due will be an issue for Halo’s bankruptcy proceeding. 	Deferred to Bankruptcy Court
North Carolina	P-55 Sub 1841	Order Granting Relief Issued	September 27, 2012	<ul style="list-style-type: none"> 1. Halo delivered large volumes of landline originated traffic to AT&T and/or rural LEC carriers. 2. Halo breached its ICA with AT&T and AT&T may stop accepting traffic from Halo. 3. Halo is liable to AT&T for access charges on the interstate and intrastate non-local landline traffic Halo has sent (without qualifying any specific amount due) 	Deferred to Bankruptcy Court

Status of State Commission Proceedings in TDS Telecom States Concerning Halo Wireless

State	Docket Number	Status of Proceeding	Issue Date of State Commission Ruling	Key State Commission Decision(s)	Monetary Award
South Carolina	2011-304-C	Order Issued	July 17, 2012	<ol style="list-style-type: none"> 1. Halo breached its ICA with AT&T and AT&T may stop accepting traffic from Halo. 2. Halo is liable to AT&T for access charges on the interstate and interLATA access traffic it sent to AT&T. 	Deferred to Bankruptcy Court
Tennessee	11-00108	Order Issued	April 18, 2012	<ol style="list-style-type: none"> 1. Halo delivered intrastate access traffic. 2. Halo is liable to TDS Telecom for access charges on the intrastate interLATA and intraLATA landline traffic it sent to TDS Telecom and other complainants. 	Deferred to Bankruptcy Court
Wisconsin	9594-TI-100	Final Decision Issued	July 27, 2012	<ol style="list-style-type: none"> 1. Halo traffic that originates before it reaches Transcom and that is not intraMTA wireless is traffic that is subject to access charges. 2. Traffic that Transcom sends to Halo at the Halo-leased tower sites in not originated by Transcom at that point. 3. Halo violated their interconnection agreement with AT&T and AT&T may take actions to remedy this violation. 4. Transcom is not an ESP and both Halo and Transcom need to seek certification in Wisconsin to continue operations. 	Deferred to Bankruptcy Court