

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of
Request for Review by UTEX
Communications Corp. d/b/a
FeatureGroup IP (Filer ID 825102) of
Decision of Universal Service
Administrator

§
§
§
§
§
§

WC Docket No. 06-122

**WITHDRAWAL OF REQUEST FOR REVIEW OF USAC ADMINISTRATOR
DECISION**

UTEX Communications Corp. d/b/a FeatureGroup IP, by and through Randolph N. Osherow, Chapter 7 Trustee (“UTEX”), and Samsara Communications, Inc. (“Samsara”)¹ hereby withdraw *In the Matter of Request for Review by UTEX Communications Corp. d/b/a FeatureGroup IP (Filer ID 825102) of Decision of Universal Service Administrator*, WC Docket No. 06-122, filed on December 19, 2011.

1. On December 19, 2011, UTEX timely sought review of a Decision rendered by the USAC Administrator. The Bureau issued an order establishing the comment cycle with Comments due February 6, 2012 and Reply Comments due February 21, 2012. *See Wireline Competition Bureau Seeks Comment on UTEX Communications Corp. d/b/a FeatureGroup IP Request for Review of a Decision by the Universal Service Administrative Company*, WC Docket No. 06-122, DA 12-9 (rel. January 5, 2012). No initial comments were filed by any carrier, contributor, registrant or USAC. Nor do there appear to have been any *ex parte* communications that relate to the Request for Review. UTEX timely filed its “Reply” so noting. The matter is still pending.

¹ Samsara did not participate in the Request for Review process before the Commission. Samsara, however, became a successor-in-interest to certain rights touching on matters related to the issues raised in the Request for Review. The Stipulation discussed below requires that Samsara join in this Withdrawal.

2. UTEX is in the final phase of a Chapter 7 liquidation. All operations ceased in 2012. The Trustee is about to close the estate. One of the final matters was resolution of UTEX's Request for Review and certain claims submitted by USAC in the bankruptcy proceeding. The parties executed a Stipulation and filed a Motion to Approve on May 16, 2013. The bankruptcy court entered an order approving the Motion to Approve on June 17, 2013. The order became final and non-appealable on July 1, 2013. True and correct copies of the Motion to Approve, Stipulation and Order are attached hereto as Exhibit 1.

3. Paragraph V.3 of the Stipulation provides that "[w]ithin seven days of entry of a Bankruptcy Court Order approving this Stipulation and that Order becoming final and non-appealable (the "Final Order"), the Trustee and Samsara shall withdraw the FCC Appeal with prejudice."

4. In accordance with the Stipulation as confirmed by the Final Order UTEX (through the Chapter 7 Trustee's counsel) and Samsara hereby withdraw the Request for Review, and request that the Commission dismiss the Request for Review, with prejudice.

Respectfully Submitted,

UTEX COMMUNICATIONS CORP.
d/b/a FEATURE GROUP IP

By: _____

Steve Turner

Attorney for Randolph N. Osherow, Chapter 7 Trustee
Barrett Daffin Frappier Turner & Engel, LLP

By: _____

Lowell Feldman

President, Samsara Communications, Inc.

July 2, 2013

EXHIBIT 1

Bankruptcy Court Motion to Approve, Stipulation and Order Approving

II. FACTUAL BACKGROUND.

2. The Debtor filed a voluntary petition under chapter 11 of the Bankruptcy Code on March 3, 2010 (the "Petition Date"). On March 5, 2012, this Court entered its *Order Granting Motion to Convert Case to Chapter 7*, at which time the case was converted to a chapter 7 proceeding and Mr. Osherow was appointed as trustee.

3. The Trustee has conducted an investigation of and entered into discussions with the Universal Service Administrative Company ("USAC"). The parties have reached a Stipulation that allows the Estate to resolve all pending issues regarding universal service obligations for both pre-petition and administrative claims.

4. USAC is a not-for-profit Delaware corporation that administers the federal Universal Service Fund (the "USF") pursuant to the rules and under the oversight of the Federal Communications Commission (the "FCC"). The USF is funded through mandatory contributions from all U.S. telecommunications carriers, based on, *inter alia*, a percentage of their interstate and international end-user telecommunications revenues.

5. USAC filed claims in this matter. *See* Claims register, Claim Nos. 4, 5 and 20. Some portion related to asserted administrative claims.

6. The parties have reached a Stipulation that resolves these claims at no cost to the Estate. The resolution is memorialized in the attached Stipulation.

7. The intention of the parties is that this Stipulation will fully resolve all claims by and between the Estate and Samsara Communications, Inc ("Samsara"), a secured creditor of the Debtor. The Stipulation also resolves USAC's claims against the Estate. If the Court approves this Stipulation, USAC's claims will be resolved. This provides a material benefit to the Estate.

8. Even though USAC filed claims for the pre-petition period, it appears that the Debtor overpaid its USF obligations for calendar year 2008, and current calculations show that the Debtor was entitled to a refund for this period (which was prior to the Petition Date). During these Chapter 7 proceedings, the Trustee executed an assignment of certain assets to Samsara, in lieu of foreclosure, assigning all of his rights, title, and interest in certain of the Debtor's assets as addressed in the Court's May 16, 2012 Order [Dkt. 457]. Thus, the Trustee has determined that the overpayment for the pre-petition period was assigned to Samsara.

9. USAC filed administrative claims as well. In order to assist in resolving this matter, Samsara has voluntarily agreed to net out the Estate's pre- and post- filing obligations, and accept a cash payment for the net difference. As a result, USAC's pending claims will be satisfied and Samsara's potential refund will be reduced by the amount of USAC's administrative claims. USAC's claim will be resolved, which provides a benefit to the Estate and other administrative creditors.

III. SUBSTANTIVE TERMS OF STIPULATION.

10. The Trustee and Samsara have entered the Stipulation to avoid the uncertainties and expense of litigation and to resolve all existing and potential disputes regarding USAC's claims. The Parties have engaged in arms-length, good faith negotiations in reaching an acceptable resolution of all such disputes, with such negotiations culminating in this Stipulation being submitted for this Court's approval.

11. If the Court enters a final order approving the Stipulation, the Trustee and Samsara have agreed to pay USAC an amount equal to its properly calculated entitlement from the Estate in the form of a set-off. USAC will issue a payment to

Samsara in immediately payable funds for the remaining “net” USF Credit due after payment of the administrative claim. Samsara has agreed to withdraw the pending FCC appeal, with prejudice, and the Trustee has concurred. The Stipulation is attached as Exhibit A which is submitted contemporaneously for this Court’s approval.

12. As part of this process, the estate had to fulfill an obligation imposed by federal law to complete and submit an FCC-mandated form (499A) containing revenue and other calculations for calendar year 2012 to USAC. USAC relied on this report to conduct a “2013 Annual True-up” that yielded the final amount of USAC’s potential administrative claim. The Trustee requested that Mr. Feldman prepare that form on behalf of the Estate, since he is more familiar with the requirements and the information required by the form. After preparation the Trustee reviewed the results and authorized Mr. Feldman to submit the form to USAC on behalf of the Estate. The Trustee requests that the Court validate this delegation, and provide that no liability will attach to Mr. Feldman, Samsara or Worldcall, Inc. for doing so.

IV. ARGUMENT.

13. The Trustee asks this Court to exercise its authority and discretion and, based upon the standards for approval of compromises under Fed. R. Bankr. P. 9019, to consider and approve the foregoing Stipulation. The touchstone for the approval under Rule 9019 is whether the resolution is in the estate’s best interest. *See In re Foster Mortgage Corp.*, 68 F.3d 914, 917 (5th Cir. 1995).

14. Approval is committed to the sound discretion of the Court. *See In re Jackson Brewing Co.*, 624 F.2d 599, 602-03 (5th Cir. 1980); *see also In re Continental Airlines, Inc.*, 907 F.2d 1500, 1520 (5th Cir. 1990). The burden of establishing the fairness of the

compromise rests on the proponents, but they are not required to present a full mini-trial or evidentiary hearing to adjudicate the issues being settled. Rather, when determining whether to approve a compromise, the court “is not to decide numerous questions of law and fact raised” by the compromise, but is “to canvass the issues and see whether the settlement falls below the lowest point on the range of reasonableness.” *In re W.T. Grant Co.*, 699 F.2d 599, 608 (2d Cir.), *cert. denied sub nom. Cosoff v. Rodman*, 464 U.S. 822 (1983).

15. The Supreme Court, in *Protective Comm. for Independent Stockholders of TMT Ferry, Inc. v. Anderson*, 390 U.S. 414 (1968), identified the following factors to be considered in determining the appropriateness of a compromise and settlement:

- A. The probabilities of ultimate success should the claim be litigated;
- B. An educated estimate of (i) the complexity, expense and likely duration of such litigation, (ii) possible difficulties in collecting on any judgment which might be obtained, and (iii) all other factors relevant to a full and fair assessment of the wisdom of the proposed compromise; and
- C. The comparison of the terms of the settlement and compromise with the likely rewards of litigation.

Id. at 424-25.

16. Although the Trustee is uncertain as to the allowability of USAC’s administrative claim, the Stipulation provides that USAC’s administrative claim will be satisfied by the Pre-Petition USF Credit (as defined in the Stipulation) which the Trustee previously assigned to Samsara. USAC has agreed to disburse the Net Credit (as defined in the Stipulation) to Samsara after satisfying USAC’s administrative claim. This will resolve USAC’s administrative claim. USAC has asserted, however, that the Net Credit should be returned to certain of the Debtor’s former customers.

17. Another matter that is resolved by the Stipulation is a pending appeal by the Debtor at the FCC related to USAC issues. If the Court approves the Stipulation, the FCC appeal will be withdrawn with prejudice. This will resolve the final piece of litigation involving the Estate, is beneficial, and contributes to the Trustee's ability to proceed to ultimate closure under Chapter 7.

18. The Trustee, after investigation, believes that some, but not all, of such assertions by the Parties have merit, and that to the extent such assertions prevail after costly and time-consuming litigation, the Estate is better off because Samsara's agreement to reduce the pre-petition refund by the amount of administrative claims provide a net benefit to the estate and all other administrative creditors.

19. The Stipulation eliminates all litigation risks, costs and delays, and ends this dispute. The Trustee respectfully requests that this Court exercise its authority and discretion and, based upon the standards for approval of compromises under Rule 9019, approve this Stipulation.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that the Court grant this Motion, thereby approving and consenting to the terms and conditions of the Stipulation attached hereto, and further authorizing the Trustee and his delegates to execute any and all other documents necessary to effectuate the proposed Stipulation.

Dated: May 16, 2013

Respectfully submitted,

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By: /s/ Steve Turner

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*Attorney for Randolph N. Osherow,
Chapter 7 Trustee*

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on the 16th day of May, 2013, a true and correct copy of the foregoing document was served upon the following parties and the attached Creditor Matrix via electronic means as listed on the Court's ECF noticing system or by regular first class mail, postage prepaid.

/s/ Steve Turner

Steve Turner

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**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
(AUSTIN DIVISION)**

In re:

UTEX COMMUNICATIONS CORP.,

Debtor.

**Chapter 7
Case No. 10-10599-CAG**

**STIPULATION REGARDING (I) CLAIMS OF THE UNIVERSAL
SERVICE ADMINISTRATIVE COMPANY AND (II) DISTRIBUTION
OF POTENTIAL USF CREDIT**

This Stipulation (the "Stipulation"), is made and entered into this 16th day of May 2013, by and between Randolph N. Osherow (the "Trustee"), the Chapter 7 trustee of the estate (the "Estate") of UTEX Communications Corp. (the "Debtor"), the Universal Service Administrative Company ("USAC"), and Samsara Communications, Inc. ("Samsara"; collectively with the Trustee and USAC, the "Parties") to resolve issues related to (i) USAC's claims in this bankruptcy case and (ii) the distribution of a potential credit of universal service fees to secured creditor, Samsara. The Parties submit the following:

RECITALS

I. Bankruptcy Case Background.

WHEREAS, on March 3, 2010 (the "Petition Date"), the Debtor filed a voluntary petition for relief pursuant to Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 – 1532 (the "Bankruptcy Code") in the United States Bankruptcy Court for the Western District of Texas, Austin Division (the "Bankruptcy Court"), commencing Case No. 10-10599-CAG; and

WHEREAS, on March 5, 2012 (the "Conversion Date"), this case converted to a case under Chapter 7 of the Bankruptcy Code; and

WHEREAS, on March 5, 2012, the Trustee was appointed Chapter 7 trustee of the Estate, and he continues to serve as such; and

WHEREAS, prior to the Petition Date, the Debtor operated as a telecommunications carrier, specifically as a competitive local exchange carrier ("CLEC"). The Debtor and/or the Trustee operated the business from the Petition Date of March 3, 2010 through May 19, 2012; and

WHEREAS, on April 17, 2012, Worldcall, Inc. ("Worldcall"), a secured creditor of the Debtor, filed a Motion for Relief from Stay [Dkt. No. 382], seeking relief from the automatic stay in order to pursue Worldcall's rights and remedies with respect to substantially all of the Debtor's assets (the "Worldcall Motion for Relief"). Samsara subsequently joined in support of the Worldcall Motion for Relief [Dkt. No. 427] (the "Joinder"). On May 1, 2012 and May 9, 2012, respectively, Southwestern Bell Telephone Company d/b/a AT&T Texas ("AT&T Texas") objected to the Worldcall Motion for Relief [Dkt. No. 410] and also objected to the Joinder [Dkt. No. 433]; and

WHEREAS, on May 16, 2012, the Bankruptcy Court entered an order lifting the automatic stay in order to "allow Worldcall, Inc. and/or Samsara, Inc. to exercise any and all rights of foreclosure against the *equipment* and the *accounts receivable* of UTEX Communications Corp. ("UTEX"), as those terms are defined under Article 9 of the Texas Business & Commerce Code." [Dkt. No. 457]; and

WHEREAS, after the Debtor ceased its business operations on May 19, 2012, the Trustee submitted to USAC documents evidencing that the Debtor ceased its operations as of May 19,

2012. USAC processed the information provided by the Trustee and deactivated the Debtor's Form 499 Filer ID Number as of May 19, 2012 (the "Deactivation Date"); and

WHEREAS, in June of 2012, the Trustee executed an assignment of accounts receivable in lieu of foreclosure, whereby the Trustee assigned all of his rights, title, and interest in and to the accounts receivable of the Debtor addressed in the Court's May 16, 2012 Order [Dkt. 457] to Samsara.

II. Description of USAC, the USF and the Debtor's USF Obligations.

WHEREAS, USAC is a not-for-profit Delaware corporation that administers the federal Universal Service Fund (the "USF") pursuant to the rules and under the oversight of the Federal Communications Commission (the "FCC"). The USF is funded through mandatory contributions from all U.S. telecommunications carriers, based on, *inter alia*, a percentage of their interstate and international end-user telecommunications revenues; and

WHEREAS, prior to and after the Petition Date (for the calendar years of 2004-2011), the Debtor submitted revenue information to USAC on a quarterly and annual basis as directed by the FCC. Upon receiving and reviewing the Debtor's quarterly revenue reports (each, a "Form 499-Q" or a "Quarterly Revenue Report"), USAC calculated the Debtor's quarterly USF contribution obligation for the upcoming quarter and invoiced the Debtor for its required contribution to the USF in three monthly installments, as directed by the FCC; and

WHEREAS, the Debtor was required to annually submit a form no later than April 1 reporting annual revenue data for the prior calendar year (the "Form 499-A" or the "Annual Revenue Report"). USAC then used the Annual Revenue Report to perform a "true-up" by comparing the Annual Revenue Report to the Debtor's previously-filed Quarterly Revenue Reports (the "Annual True-Up"); and

WHEREAS, the Debtor has recently submitted to USAC the 2013 Annual Revenue Report, reporting the Debtor's actual revenues for the period from January 1, 2012 to May 19, 2012. USAC has reviewed the recently submitted 2013 Annual Revenue Report and determined the results of the 2013 Annual True-Up (regarding the Debtor's 2012 revenue).

III. The Debtor's Pending FCC Appeal.

WHEREAS, on December 19, 2011, the Debtor filed an appeal with the FCC (the "FCC Appeal") in *In the Matter of Request for Review by UTEX Communications Corp. d/b/a FeatureGroup IP (Filer ID 825102) of Decision of Universal Service Administrator, WC Docket No. 06-122*. The FCC Appeal relates to, *inter alia*, the Debtor's revised 2009 Annual Revenue Report and USAC's calculation of certain credits of universal service fees previously paid by the Debtor in to the USF. The Debtor contended that it overpaid its USF contribution for calendar years 2004-2009 and the first two months of 2010. USAC agreed that the Debtor is entitled to a refund or credit of approximately \$104,023.11 for calendar year 2008 (based on the revised 2009 Annual Revenue Report), but denied the Debtor's request to file revised Annual Revenue Reports (499-A) for other periods. USAC also denied the Debtor's request to file a further revised Annual Revenue Report for calendar year 2008. The Debtor appealed these and some related issues arising from the USAC's determinations to the FCC; and

WHEREAS, as of the date hereof, the FCC Appeal remains pending with the FCC.

IV. USAC's Claims.

WHEREAS, the Trustee and Samsara have requested that USAC quantify USAC's cumulative claims (if any remain) and calculate the cumulative amount of potential USF credits based on the information contained on the Debtor's 499 submissions to date, without regard to any potential revisions for any year; and

WHEREAS, USAC cannot respond to the Trustee and Samsara requests with finality because, as of the date hereof, the FCC Appeal remains pending with the FCC; and

WHEREAS, the Trustee and Samsara have requested that USAC calculate the Debtor's USF obligations, including any credits thereof, based on the assumption that the Debtor will withdraw the FCC Appeal prior to disposition by the FCC; and

WHEREAS, based on the revenue information the Debtor submitted to USAC while operating and subject to the FCC Appeal USAC has calculated the Debtor's tentative USF obligations (the "Tentative USF Claims") with respect to the pre-petition period, the Chapter 11 administrative period (*i.e.*, from March 3, 2010 to March 4, 2012) and the post-conversion Chapter 7 administrative period (*i.e.*, from March 5, 2012 to May 19, 2012);

WHEREAS, the Tentative USF Claims, which remain subject to change, are as follows:

- | | | |
|-------|---|----------------|
| (i) | Pre-Petition Claim/(Credit): | (\$134,648.71) |
| (ii) | Chapter 11 Administrative Claim: | \$607.80 |
| (iii) | Post-Conversion Chapter 7 Administrative Claim: | \$0.00; and |

WHEREAS, the Parties acknowledge that the Tentative USF Claims may change due to, among other things, the FCC Appeal; and

V. Issues Related to FCC's Clear World Order.

WHEREAS, USAC informed the Debtor during the Chapter 11 proceedings that upon acceptance of the Debtor's revised 2009 Annual Revenue Report, all Universal Service contribution costs collected by the Debtor must be reimbursed to the Debtor's customers pursuant to *In the Matter of Universal Service Contribution Methodology Request for Review of Decision of the Universal Service Administrator by Clear World Communications Corporation,*

WC Docket No. 06-122, Order, DA 11-752, 26 FCC Rcd 6234, 6241-6242, ¶¶ 18-20 (2011) (“Clear World Order”) and 47 C.F.R. § 54.712;

WHEREAS, the Trustee and Samsara acknowledge that the Clear World Order and applicable federal regulations obligate the Debtor to reimburse its customers for any excess contribution costs collected, subject to any requirements of the Bankruptcy Code and Federal Bankruptcy Rules of Bankruptcy Procedure;

WHEREAS, in order to quantify USAC’s claims with finality and dispose of any net credits owed to Debtor which may remain after, among other things, the disposition of the FCC Appeal, the Parties have agreed to resolve certain issues on the terms set forth herein; and

WHEREAS, the Trustee has evaluated the terms of this Stipulation and believes approval of the Stipulation is in the best interest of the Estate.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Parties hereby agree as follows:

STIPULATION

1. The Parties agree to submit this Stipulation to the Bankruptcy Court and jointly request entry of an Order approving the Stipulation.

2. USAC shall apply the pre-petition credit of the Debtor’s USF obligations of \$134,648.71 (the “Pre-Petition USF Credit”) to fully satisfy the Debtor’s unpaid Chapter 11 Administrative Claim of \$607.80, with a remaining USF credit balance of \$134,040.91 (the “Net Credit”).

3. Within seven days of entry of a Bankruptcy Court Order approving this Stipulation and that Order becoming final and non-appealable (the "Final Order"), the Trustee and Samsara shall withdraw the FCC Appeal with prejudice.

4. The Trustee acknowledges that Samsara will be entitled to the Net Credit. The Trustee further acknowledges that neither the Trustee, the Debtor nor the Estate shall have any rights or claims to the Net Credit.

5. After the FCC dismisses the FCC Appeal with prejudice, USAC will deliver the Net Credit, if any, directly to Samsara by check or wire transfer and shall do so within its typical monthly disbursement cycle.

6. Notwithstanding any previously-established bar dates, nothing herein shall be deemed to limit or restrict USAC's right to amend or supplement its claims in the event that (a) the Trustee (or any representative of the Debtor) submits upwardly revised revenue to USAC and/or (b) USAC determines through audit or otherwise that the Debtor's revenue must be upwardly revised, or for any other reason. In the event of any claim amendment or supplement by USAC, the Trustee shall have any and all objection rights otherwise afforded by the Bankruptcy Code.

7. This Stipulation is subject to the approval of the Bankruptcy Court and, absent Bankruptcy Court approval, this Stipulation will have no force and effect and nothing contained herein shall be, or be deemed to be, an admission or a waiver of rights by any party hereto and shall be without prejudice to any and all remedies that may be asserted by each party.

8. Further, if the FCC renders any decision or determination related to the FCC Appeal prior to both (i) entry of the Bankruptcy Court order approving the Stipulation and that order becoming a Final Order and (ii) dismissal of the FCC Appeal with prejudice, then this

Stipulation shall be deemed null and void and will have no force and effect to the extent the Stipulation is inconsistent with the FCC's decision or determination.

9. This Stipulation shall be construed without regard to any presumption or other rule requiring construction against the party causing the document to be drafted. Each party is entering into this Stipulation voluntarily, without duress, with the consultation and advice of its legal counsel (or upon a voluntary waiver of the right to such consultation and advice), and with full understanding of its terms.

10. This Stipulation contains the entire stipulation between the Parties and may only be amended in writing executed by all parties hereto and approved by the Bankruptcy Court.

11. The Parties and the individuals executing this Stipulation on their behalf represent and warrant that they have the authority to execute this Stipulation and that, subject to entry of the Final Order, they will be bound hereunder. This Stipulation shall be binding upon the Parties hereto and their respective executors, heirs, successors and assigns.

12. Each of the Parties shall bear its own costs and expenses in connection with this matter, including legal fees and expenses.

13. The Bankruptcy Court shall have exclusive jurisdiction to adjudicate matters arising under or in connection with this Stipulation.

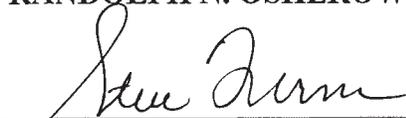
14. In the event that any other issue, dispute or action arises with respect to the Debtor's obligation to contribute to the USF, the Pre-Petition USF Credit, the Administrative Claims, the Net Credit and/or the FCC Appeal, any such issue, dispute or action shall proceed solely and exclusively in accordance with the process dictated for appeals pursuant to the 1996 Telecommunications Act, P.L. 104-104, as amended (the "Telecommunications Act"), and Title

47, Part 54, Subpart I of the Code of Federal Regulations. Nothing herein is intended to waive any party's rights under applicable law concerning the matters herein.

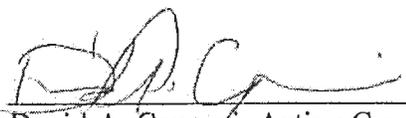
15. This Stipulation may be executed and delivered in any number of original or facsimile counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto, intending to be legally bound, have caused the Stipulation to be duly executed as of the day and year first above written.

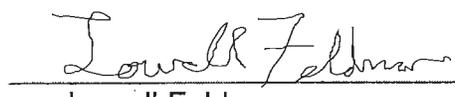
RANDOLPH N. OSHEROW, CHAPTER 7 TRUSTEE

By: 
Steve Turner
Attorney for Randolph N. Osherow, Chapter 7 Trustee
Barrett Daffin Frappier Turner & Engel, LLP

**THE UNIVERSAL SERVICE ADMINISTRATIVE
COMPANY**

By: 
David A. Capozzi, Acting General Counsel

SAMSARA COMMUNICATIONS, INC.

By: 
Name: Lowell Feldman
Title: CEO



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: June 17, 2013.

**CRAIG A. GARGOTTA
UNITED STATES BANKRUPTCY JUDGE**

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In re: §
UTEX COMMUNICATIONS CORP., § CASE NO. 10-10599-CAG
Debtor. § CHAPTER 7
§

**ORDER APPROVING TRUSTEE’S MOTION TO APPROVE STIPULATION
(USAC CLAIMS)**

On this date came on to be considered the *Motion to Approve Stipulation (USAC Claims)* (the “Motion”) filed by Randolph N. Osherow, chapter 7 trustee (the “Trustee”), in the above-styled case for the estate of UTEX Communications Corp. (the “Debtor”), requesting that this Court approve the terms of the Stipulation attached to the Motion as “Exhibit A” (the “Stipulation”), by and between the Trustee, the Universal Service Administrative Company (“USAC”), and Samsara Communications, Inc. (“Samsara”). The Court, having reviewed the documents, finds that the Motion is meritorious and should be granted. It is therefore hereby

ORDERED that the Motion is GRANTED; and it is further

ORDERED that the Stipulation is APPROVED.

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ORDER PREPARED BY:

Steve Turner
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Austin, Texas 78701
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stevet@bdfgroup.com