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SECRETARY'S BUREAU

OF COUNSEL
EUGENE M. MAGIER, P.C.
STEVEN J. MARULLO

December 9, 2010

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

RE: Law Bureau Prosecutory Staff v. Global NAPs South, Inc., Global NAPs Pennsylvania, Inc., and other affiliates,
Docket No. C-2010-2208511

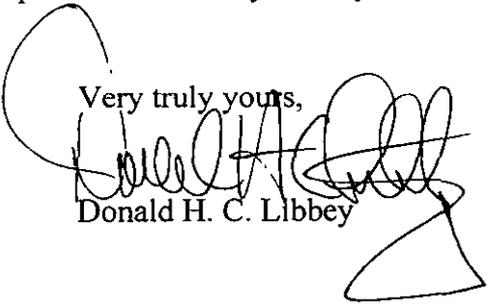
Dear Ms. Chiavetta:

At your request, I have enclosed for inclusion in the above-captioned matter a hard-copy of the Receiver's Expedited Motion for Further Instructions and Orders and Proposed Order that was filed today with the United States District Court for the District of Massachusetts in the matter entitled *Global NAPs, Inc. et al. v. Verizon, et al.*, Docket No. 1:02-CV-12849-RWZ. This will confirm that I also emailed you a copy of the motion and proposed order earlier today.

To save both a tree, and the extra cost to the Receivership Estate of mailing you a copy of the Complaint filed in the above-captioned matter, I have not included a copy of that Complaint, which was Exhibit "A" filed with the Receiver's motion.

Please contact me should you have any questions. Thank you for your anticipated cooperation in advance.

Very truly yours,


Donald H. C. Libbey

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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PA-PUBLIC BUREAU
SECRETARY'S BUREAU

GLOBAL NAPS, INC.,)
Plaintiff,)
v.)
VERIZON NEW ENGLAND, INC.,)
Defendant.)

Civil Action No. 02-12489-RWZ

Civil Action No. 05-10079-RWZ

**EXPEDITED MOTION BY RECEIVER, CARL F. JENKINS FOR
FURTHER INSTRUCTIONS AND ORDERS**

Now comes Carl F. Jenkins, as Receiver of Global NAPS, Inc., and its subsidiaries, affiliates, and related entities (hereinafter collectively the "Judgment Debtors"), by and through his counsel, and hereby moves on an *expedited* basis for further instructions and orders pursuant to Paragraph 12 of this Honorable Court's Amended Order For Appointment Of Keeper And Receiver dated May 13, 2010. This *expedited* motion pertains specifically to the interpretation and application of this Court's injunctive language contained in Paragraph 11 of its Amended Order.

In support of this Motion, the Receiver states as follows:

1. On May 5, 2010, this Court appointed Carl F. Jenkins as Receiver of the Judgment Debtors pursuant to the Order For Appointment Of Keeper And Receiver entered by this honorable Court on May 6, 2010. Thereafter, this Court entered an Amended Order For Appointment Of Keeper And Receiver on May 13, 2010 (hereinafter the "Amended Order").
2. Pursuant to Paragraph 12 of the Amended Order, the Receiver and others are authorized to seek further instructions and orders related to the Amended Order and for additional powers to enable the Receiver to perform the Receiver's duties.
3. The Receivership Estate incorporates a variety of diverse and complex assets including airplanes, automobiles, business assets, personal property, real property, and continuing business

operations, all of which the Receiver is evaluating for liquidation by private sale or public auction as part his Receivership duties. The continuing business operations include certain licenses and permits to operate such businesses.

4. In conjunction with his duties as Receiver, Carl F. Jenkins has filed several definitive motions with this Court outlining the process which he intends to follow with respect to the sale of certain Receivership Estate assets (hereinafter the "Sale Motions") which process includes seeking this Court's permission to sell such assets in an effort to obtain the highest and best value therefore.

5. In furtherance and his duties and responsibilities, and in conjunction with the Sale Motions, the Receiver has employed the consulting firm of Altman Vilandrie & Company, has compiled corporate and financial data, and has scheduled and conducted multiple meetings with several potential buyers of the operating companies included in the Receivership Estate.

6. The sole difference in this Court's May 6, 2010 Order appointing Carl F. Jenkins as the Receiver herein and the Amended Order of May 13, 2010, is the wording in Paragraph 11 of each Order. Specifically, the last sentence of Paragraph 11 of the earlier Order limits the injunctive language against any and all persons from commencing any action in any court or elsewhere against the Receiver by stating in relevant part that "(s)uch restraint is not intended to bar any current action asserted against the Judgment Debtors or their affiliates in this or any other court. . . ."

7. The Amended Order eliminates the last sentence of the earlier Order, so that Paragraph 11 states:

Any and all persons claiming any interest in any of the Receivership Property shall be and hereby are enjoined from commencing any action in any court or elsewhere against the Receiver in connection with or otherwise based upon the discharge of the duties of the Receiver herein, except with the express permission of this Court obtained after filing a motion on notice to the Receiver, all parties to this action, and SNET[.]

8. Paragraph 11 infers that this Court's restraint extends to any and all actions concerning any interest in the Receivership Estate whether existing at the time of the entry of this Court's Receivership Order or thereafter in "any court or elsewhere".

9. On or about November 2, 2010, the Pennsylvania Public Utility Commission's Law Bureau Prosecutory Staff filed a Formal Complaint (the "Complaint") against Global Naps South, Inc., Global NAPS Pennsylvania, Inc., and other affiliates of Global NAPS, Inc. before the Pennsylvania Public Utility Commission seeking revocation of Global NAP's Pennsylvania Certificate of Public Convenience ("Certificate").

10. The Certificate is Global NAPS' license to provide services in and through the Commonwealth of Pennsylvania and establishes Global NAPS Pennsylvania as part of the Global NAPS network and operating entities, and, therefore, such Certificate is an asset of the Judgment Debtors.

11. Although the Pennsylvania Public Utilities Commission's Law Bureau Prosecutory Staff cites Pennsylvania law requiring that a public utility, in this case Global NAPS, "is required to furnish and maintain adequate, efficient, safe, and reasonable service and facilities in conformity with Commission orders", the sole premise for the revocation of Global NAPS' Certificate is its failure to pay a March 16, 2010 bill from Palmerton (Pennsylvania) Telephone Company in the amount of \$193,063.38* and certain other sanctions against Global NAPS for its failure to comply with the Public Utilities Commission's order to pay such bill. (A true and accurate copy of the Complaint is attached hereto as **Exhibit "A"** ("Complaint" at ¶ 6)).

12. The above-described bill represents a pre-Receivership claim which Palmerton Telephone Company and the Law Bureau Prosecutory Staff seek to recover by encouraging the Pennsylvania

* Relating to Palmerton's Formal Complaint for such indebtedness before the P.U.C. on March 4, 2009.

Public Utilities Commission to revoke Global NAPS' Certificate, because of Global NAPS failure to pay.

13. This attempt by the Pennsylvania Public Utility Commission's Law Bureau Prosecutory Staff to revoke Global NAPS' Certificate violates this Court's prior restraining order contained in its May 6, 2010 Order and May 13, 2010 Amended Order, directly impacts a potentially significant asset of the Receivership Estate, and circumvents this Court's lawful jurisdiction over the Receivership.

14. Global NAPS Answer to the Complaint was due on or before December 8, 2010, but at the Receiver's request, the Pennsylvania Public Utility Commission has granted additional time, until December 16, 2010, for Global NAPS to file its Answer otherwise plead.

15. The Receiver's counsel has discussed the Complaint and the Amended Order with Assistant Counsel for the Law Bureau Prosecutory Staff, but without resolution, thus necessitating this motion.

16. On information and belief, if no Answer is filed by Global NAPS on or before the expiration of the time to Answer, the Pennsylvania Public Utilities Commission will revoke the Global NAPS Certificate without delay.

17. The Receiver understands and therefore avers that in order to file a formal Answer to the Complaint will require retaining local and outside counsel on behalf of GNAPS at significant cost and expense to the Receivership Estate.

18. The Receiver understands that the Pennsylvania Public Utilities Commission, and its Law Bureau Prosecutory Staff, had actual notice of this Court's Amended Order.

WHEREFORE, for any one or all of the foregoing reasons, the Receiver respectfully requests that this Honorable Court on an *expedited* basis:

- A. Determine that the Complaint filed by the Pennsylvania Public Utilities Commission's Law Bureau Prosecutory Staff seeking to revoke Global NAPS' Certificate of Public Convenience violates this Court's prior Restraining Order contained in the Amended Order;
- B. Upon determination that the aforementioned Complaint violates the said Restraining Order of the Amended Order, enter a further order that Complaint filed by the Pennsylvania Public Utilities Commission's Law Bureau Prosecutory Staff be dismissed without prejudice;
- C. Enter a further order that the Pennsylvania Public Utilities Commission's Law Bureau Prosecutory Staff or any other person, agency, or entity, **cease and desist** from attempting to revoke the Pennsylvania Certificate of Public Convenience of Global NAPS absent further order of this Court; and
- D. Grant such further relief as this honorable Court deems just and equitable.

Respectfully submitted,
Carl F. Jenkins, Receiver
By his attorneys,

/s/ Donald H. C. Libbey
Donald H. C. Libbey BBO #638397
Steven J. Marullo BBO # 323040
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Date: December 9, 2010

GNAPsEXM120610/dl/1536-3

CERTIFICATE OF SERVICE

I hereby certify that I served the within document(s) through ECF system, and that copies will be sent electronically to registered participants on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated a non-registered participants as of the date herein, and to the Pennsylvania Public Utilities Commission, and to Joseph Witmer, Esq., Assistant Counsel, and Heidi Wushinske, Esq., Assistant Counsel for the Pennsylvania Public Utilities Commission's Law Bureau Prosecutory Staff.

/s/ Donald H. C. Libbey
Donald H. C. Libbey

DATED: December 9, 2010

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
GLOBAL NAPS, INC.,)	Civil Action No. 02-12489-RWZ
Plaintiff,)	Civil Action No. 05-10079-RWZ
)	
v.)	
)	
VERIZON NEW ENGLAND INC.,)	
Defendant.)	
_____)	

**ORDER ON RECEIVER'S *EXPEDITED* MOTION
FOR FURTHER INSTRUCTIONS AND ORDERS**

The Receiver's *Expedited* Motion for Further Instructions and Orders (the "Motion")
having come before the Court and due cause appearing therefore, it is hereby

ORDERED, that the Motion is granted; and it is further

- A. ORDERED, that the Complaint filed by the Pennsylvania Public Utilities
Commission's Law Bureau Prosecutory Staff seeking to revoke Global NAPS'
Certificate of Public Convenience violates this Court's prior Restraining Order
contained in the Amended Order; and it is further
- B. ORDERED, that the aforementioned Complaint shall be dismissed without prejudice
and the Pennsylvania Public Utilities Commission's Law Bureau Prosecutory Staff,
or any other person, agency, or entity, shall cease and desist from attempting to
revoke the Pennsylvania Certificate of Public Convenience of Global NAPS absent
further order of this Court.

Rya W. Zobel, United States District Judge

DATED: _____

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P.O. Box 920612
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BOSTON MA 021

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