

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	:	X
	:	
Allegiance Telecom, Inc., <u>et al.</u> ,	:	Chapter 11 Case No.
	:	03-13057 (RDD)
	:	
Debtors.	:	Jointly Administered

**ORDER DENYING MOTION OF K.M. COMPLEX, L.P. FOR AN ORDER
PURSUANT TO SECTION 365(d)(4) OF THE BANKRUPTCY CODE SETTING
SEPTEMBER 20, 2003 AS THE DATE BY WHICH DEBTOR MUST ASSUME
OR REJECT UNEXPIRED LEASE OF NONRESIDENTIAL REAL PROPERTY**

Upon the motion (the “Motion”), dated September 3, 2003 of K.M. Complex, L.P. seeking entry of an order, pursuant to section 365(d)(4) of the Bankruptcy Code,¹ setting September 20, 2003 as the date by which debtor must assume or reject its unexpired lease of nonresidential real property (the “Motion”), all as more fully set forth in the Motion; and an objection having been filed with this Court by the Debtors on September 12, 2003; and a hearing to consider the Motion having been held on September 15, 2003 (the “Hearing”); and it appearing that this Court has jurisdiction to consider and determine the Motion as a core proceeding pursuant to 28 U.S.C. §§ 157 and 1334; and due and proper notice of the Motion having been given; and after due deliberation and sufficient cause appearing therefore and for the reasons set forth by the Court on the record at the Hearing on the Motion; it is hereby

¹ Unless otherwise defined herein, capitalized terms shall have the meaning ascribed to them in the Motion.

ORDERED that the relief requested in the Motion is denied without prejudice to the right of the moving party to seek such relief from the Court in the future. The Debtor shall have the burden of persuasion in connection with any such request, as provided in section 365(d)(4) of the Bankruptcy Code.

Dated: New York, New York
September 18, 2003

/s/ ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE