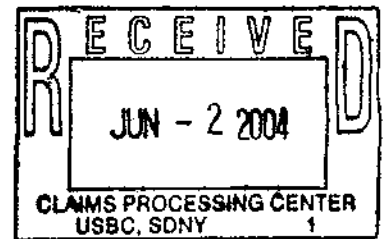


IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



----- ) Case No. 03-13057 (RRD)  
In Re: ) Chapter 11  
 )  
ALLEGIANCE TELECOM, INC., et.al., ) NOTICE OF CUSTOMER OBJECTION TO  
 ) DEBTOR'S INTENT TO ASSUME, ASSUME AND  
 ) ASSIGN, OR ASSIGN CERTAIN EXECUTORY  
 ) CONTRACTS AND UNEXPIRED LEASES  
----- )

Whereas, Craig Lombardi, pro se, sole proprietor, d.b.a. Ergonomic Solutions, Account Nbr. 2509758 ("The Customer") files this Objection ("The Objection") to Debtors' Intent to Assume, Assume and Assign, or Assign Certain Executory Contracts and Unexpired Leases ("Intent to Assume"),

Whereas, The Customer has been a contract customer of Allegiance Telecom, Inc. ("Allegiance") since April 26, 2002,

The Customer respectfully reports to the Court the following:

1. On May 18, 2004, the Notice of Debtor's Intent to Assume was filed with the Clerk of the Court, with an unknown date of mailing to The Customer.

2. On June 1, 2004, The Customer received said notice by U.S. Postal delivery, just one day prior to the Assumption and Assignment Objection Deadline described therein, and with (a) a blurry printing flaw in the postal barcode prepared by Allegiance or its agent BMC, which prohibited a timely postal delivery, (b) a black pen marker strike-thru most likely applied by U.S. Postal agents to prevent a poor barcode from mis-sorting mail. Copy of the postal envelope is attached hereto and incorporated herein as Exhibit "1".

3. On April 25, 2002, The Customer discussed pricing with Allegiance for telephone service for 3 basic business voice lines based on a two-year minimum commitment and a costs worksheet prepared by an Allegiance sales representative at a total cost of \$141.22 monthly, excluding taxes and tariffs. A copy of this hand written cost worksheet is attached hereto and incorporated herein as Exhibit "2".

4. On April 26, 2002, The Customer signed a contract with Allegiance based on the price worksheet. The contract specifically lists (a) an estimated monthly billing of \$140.00, and (b) the handwritten language "customer has 90 days from install to cancel order".

5. Between April 26, 2002, and September 30, 2002, a period of 157 days, Allegiance provided telephone service but despite several inquiries, sent no monthly bills to The Customer for the three contracted voice lines, a suspected direct delay of billing to defer past the 90 day cancellation period.

6. On September 30, 2002, Allegiance sent to the customer a cumulative bill for the preceding months of service, but at a fee of \$180.30 (\$165.30 basic fees plus \$15.00 directory listing), not \$141.22, a billing of \$54.08

over the contracted monthly charge, excluding taxes and tariffs.

7. Between September 30, 2002 and August 30, 2003, the overbilling of \$54.08 monthly continued, excluding taxes and tariffs.

8. On September 30, 2003, the overbilling increased to \$70.79 monthly, and continued to the present monthly bill, excluding taxes and tariffs.

9. Between June 2002 and May 2004, no fewer than 30 telephone calls were placed to Allegiance Customer Care to resolve this billing issue, without resolution, and with The Customer required to pay the full amounts of the incorrect monthly bills at the threat of discontinuation of telephone service.

Wherefore, The Customer requests that the Court sustain this objection and order that the Cure Amount for The Customer is \$1,485.69 and grant it such other and further relief as is deemed just and proper.

Respectfully Submitted,

By:  6/11/2004

CRAIG LOMBARDI, Pro Se  
Sole Proprietor,  
d.b.a. Ergonomic Solutions  
2790 Ashwood Place  
Decatur, Georgia 30030-4193  
(404) 284-3746 ext. 100  
(404) 284-9669 (facsimile)  
lombardi@ergosol.com (email)

ALLEGIANCE TELECOM  
C/O BMC  
PO BOX 1033  
EL SEGUNDO, CA 90245-1033

**EXHIBIT "I"**

FIRST CLASS  
MAIL  
U.S. POSTAGE PAID  
BMC  
LOS ANGELES, CA



*Ergonomic Solutions —*

Cost for (Number of Lines) Local Lines Allegiance Telecom, Inc.

	Qty.	Cost Per Unit	Amount
1.) Basic Business Lines	3	36.64	\$ 109.92
2.) Telecommunications Relay Service	?	.10	\$ .30
3.) FCC Fee	3	7.25	\$ 21.75
4.) Local Number Portability	3	.35	\$ 1.05
5.) Call Forwarding / Busy	2	3.20	\$ 6.40
6.) Hunting/Rollover			\$
7.)			\$
8.)			\$
9.)			\$
10.)			\$
11.)			\$
<b>TOTAL</b>			<b>\$ 141.22</b>

*CL*

The above price includes all of your fees and charges. The toll free number will be \$5.00 a month plus regular long distance charges of \$.059 out of state and \$.08 in state

**EXHIBIT "2"**



allegiancetelecom, inc.

VOICE SERVICES/  
INTEGRATED SERVICES ORDER

CUSTOMER CARE NUMBER 1-800-653-1989

374-  
1-800-676<sup>EE</sup>  
1-800-  
ERGASOL  
↓ ↓ ↓ ↓ ↓ ↓ ↓  
374-6765

**CUSTOMER PROFILE**

ORDERED BY: Craig Lombardi BILLING CONTACT: \_\_\_\_\_  
 SERVICE LOCATION ADDRESS: 1041-121814-171246 CITY: Durham STATE: NC ZIP: 27602  
 SERVICE LOCATION CONTACT: Craig Lombardi PHONE NUMBER: 919-14751-41045 MARKET: Atlanta COUNCIL/LOCATION: \_\_\_\_\_  
 CUSTOMER ACCOUNT # \_\_\_\_\_ BILLING ACCOUNT # \_\_\_\_\_  
 TAX EXEMPT (TAX EXEMPT CERTIFICATE MUST BE ATTACHED OTHERWISE ORDER WILL BE REJECTED.)  
 125% ACCOUNT SET-UP FEE  
 ORDER NUMBER: 62-1523794

**VOICE SERVICE DESCRIPTION OF SERVICE**

Local Service (LANS)  New  Conversion  
 Digital PBX Trunk (Local T-1)  New  Conversion  
 ISDN-PRI  New  Conversion  
 Integrated Services  IA Channel Package  Total Communications  
 Calling Card  Wing Maintenance Plan  Toll-Free  Voice Mail

**LOCAL CALLING and INTRALATA TOLL**

Allegiance Local Calling Options:  Allegiance Telecom Local Calling Options (where available)\*  
 IntraLATA Toll Options:  Allegiance Telecom LATA Toll  
 Allegiance Standard  
 Optional Calling Plan (where available)\*

**LONG DISTANCE TOLL (InterLATA) and TOLL-FREE SERVICES**

Allegiance Telecom   
 Standard IntraState/InterLATA Toll/Instate Toll-Free Service  
 Allegiance Telecom Across America 1-800 (InterState plans)  
 Allegiance Telecom 9.9 LD \$3.00  
 Allegiance Telecom Small Business 7.9 LD \$5.00  
 Allegiance Telecom Business Value 6.9 LD \$5.00  
 Allegiance Telecom Business Saver 5.9 LD \$2.00  
 Allegiance Optional Plan (where available)\*

**INTEGRATED SERVICES**

Selected Channel Package	QTY	Installation Fee	Choose Speed	QTY	TC Packages	QTY	Installation Fee	Choose Speed	QTY
<input type="checkbox"/> 12 Voice Channels	___	X	<input type="checkbox"/> 64K	___	<input type="checkbox"/> TC Packages	___	X	<input type="checkbox"/> 394K	___
<input type="checkbox"/> 16 Voice Channels	___	X	<input type="checkbox"/> 128K	___	• 8 Voice Lines			<input type="checkbox"/> 512K	___
<input type="checkbox"/> 20 Voice Channels	___	X	<input type="checkbox"/> 256K	___	• 256K Internal Access			<input type="checkbox"/> 768K	___
<input type="checkbox"/> 25 Voice Channels	___	X	<input type="checkbox"/> 512K	___				<input type="checkbox"/> 1.024M	___
			<input type="checkbox"/> 768K	___	<input type="checkbox"/> Additional Voice Lines	___			

**ADD ONS**

	Monthly Fee	QTY		Monthly Fee	QTY
<input type="checkbox"/> Domain Pointing <sup>1)</sup>	\$10	___	<input type="checkbox"/> Web Hosting - 50MB <sup>1)</sup>	\$35	___
<input type="checkbox"/> E-Mail Boxes (5MB per box)	\$2	___	<input type="checkbox"/> Web Disk Space - 5MB	\$2	___
<input type="checkbox"/> E-Mail Disk Space - 25MB	\$10	___	<input type="checkbox"/> Dial Up <sup>2)</sup>	\$20	___
			<input type="checkbox"/> UPS - \$250 each	\$0	___

**COMMENTS**

\* CUSTOMER HAS 90 DAYS FROM INSTALL TO CANCEL ORDER

**CUSTOMER ACCEPTANCE**

The person signing below represents and warrants that he or she is fully authorized to execute and deliver this Agreement on behalf of Customer, by signing here, Customer hereby acknowledges and agrees (1) to be bound by all of the terms and conditions on the reverse side of this form, and (2) that Customer has read and understands that such terms and conditions (including the limitations of liability) govern the services provided hereunder.

CUSTOMER SIGNATURE: Craig Lombardi TITLE: OWNER DATE: 4/26/2002  
 ALLEGIANCE TELECOM SIGNATURE: Christy Fuller TITLE: Account Executive DATE: April 25th, 2002



allegiancetelecom, inc.

www.allegiancetele.com

APPLICATION FOR OPEN ACCOUNT

CUSTOMER CARE NUMBER 1-800-553-1989

BUSINESS INFORMATION

COMPANY NAME Ergonomic Solutions  
 BILLING ADDRESS 2790 Ashwood Place Decatur Ga. 30030  
 PHONE 404-284-3746 FAX 404-284-9669 E-MAIL \_\_\_\_\_ DUNS # \_\_\_\_\_  
 CORPORATION: STATE OF INCORPORATION \_\_\_\_\_ DATE INCORP. \_\_\_\_\_  
 PARTNERSHIP  PROPRIETORSHIP  PROPRIETOR'S SOC. SEC. # 62-1523794  
 OWNERS/PARTNERS/OFFICERS \_\_\_\_\_  
 ACCOUNTING CONTACT (NAME) \_\_\_\_\_ PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
 TAX ID# 62-1523794 YEAR BUSINESS STARTED 1987  
 TYPE OF BUSINESS \_\_\_\_\_  
 If any other company owns 50% or more of applicant: COMPANY NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ APPLICANT'S RELATIONSHIP \_\_\_\_\_  
 TYPE OF SERVICE REQUESTED: LEC  LD  OTHER   
 ESTIMATED MONTHLY BILLING \$ 140 \$ \_\_\_\_\_ \$ \_\_\_\_\_

CREDIT INFORMATION

PREPARED CREDIT INFO. PACKAGE ATTACHED  CURRENT FINANCIAL STATEMENTS

Current Telecommunications Carrier:  
 COMPANY BellSouth PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ FAX \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ CONTACT \_\_\_\_\_  
 ZIP \_\_\_\_\_  
 Please attach copy of recent billing statement from carrier. Attached \_\_\_\_\_

Trade Reference  
 COMPANY \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ FAX \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ CONTACT \_\_\_\_\_  
 ZIP \_\_\_\_\_

Bank Reference  
 COMPANY UNION PLANTERS NATIONAL BANK PHONE \_\_\_\_\_  
 ADDRESS NASHVILLE, TN FAX \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ CONTACT \_\_\_\_\_  
 ZIP \_\_\_\_\_

CUSTOMER ACCEPTANCE

In consideration of extending credit to applicant by Allegiance, Applicant agrees to the following terms:  
 1. Allegiance is authorized to contact any party identified in this application to verify credit experience and the information provided, and to obtain such credit information about Applicant as is necessary for the extension of credit.  
 2. Applicant agrees to pay all charges, subject to Allegiance's federal and state tariffs, billed by Allegiance for applicant's usage of services and, if applicable, minimum monthly usage billings, including recurring and non-recurring charges, taxes and surcharges. Allegiance may require a payment deposit from applicant.  
 3. Applicant accepts all credit terms on account as billed by Allegiance, including terms now in effect or hereafter established by Allegiance, and agrees to make timely payment in compliance with such terms. Current terms are payment in full within 30 days of invoice date.  
 4. Applicant will pay Allegiance 1.5% per month (18% per annum), or lower as allowed by law, on the unpaid balance of any invoice not paid within billing terms.  
 5. Any claim or dispute arising from charges billed on the account must be asserted by Applicant within the time period provided for in the applicable tariff or the billing records of Allegiance will thereafter be deemed accurate and irrefutable.  
 6. Applicant agrees to pay Allegiance reasonable costs including attorney and collection agency fees, to the extent permitted by law, incurred in the collection of any balance due on the account.  
 7. Applicant will immediately notify Allegiance in writing of any change in the information on this application, including but not limited to changes of company name, address, ownership and legal status.  
 8. The person whose signature appears below is authorized to submit this application for Applicant, and to bind Applicant to its terms.

ERGONOMIC SOLUTIONS  
 APPLICANT COMPANY  
CRAIG LOMBARDI  
 BY (Print Name)  
 AUTHORIZED SIGNATURE \_\_\_\_\_  
 TITLE OWNER  
 DATE 4/26/2002