

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

TAWANA C. MARSHALL, CLERI THE DATE OF ENTRY IS ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 3, 2013

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

In re \$ Chapter 11

FIBERTOWER NETWORK SERVICES \$ Case No. 12-44027-DML-11

CORP., et al., \$ (Jointly Administered)

Debtors. \$

ORDER DENYING WITHOUT PREJUDICE MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR AUTHORITY TO COMMENCE CERTAIN ACTIONS ON BEHALF OF AND FOR THE BENEFIT OF THE DEBTORS' ESTATES

Upon consideration of the motion (the "Standing Motion") of the Official Committee of Unsecured Creditors (the "Committee") appointed in the chapter 11 cases of FiberTower Network Services Corp., et al. (collectively, the "Debtors") entitled Motion of the Official Committee of Unsecured Creditors for Authority to Commence Certain Actions on Behalf of and For the Benefit of the Debtors' Estates [Docket No. 875]; and upon the following responses to 3207850.3

the Standing Motion: (i) Objection of the Ad Hoc Committee of Holders of 2016 Notes to the Motion of the Official Committee of Unsecured Creditors for Authority to Commence Certain Actions on Behalf of and For the Benefit of the Debtors' Estates [Docket No. 925]; (ii) Objection and Joinder of Wells Fargo Bank, National Association, As Indenture Trustee, In Objection of the Ad Hoc Committee of Holders of 2016 Notes to the Motion of the Official Committee of Unsecured Creditors for Authority to Commence Certain Actions on Behalf of and For the Benefit of the Debtors' Estates [Docket No. 926]; and (iii) Debtors' Objection to Motion of the Official Committee of Unsecured Creditors for Authority to Commence Certain Actions on Behalf of and For the Benefit of the Debtors' Estates [Docket No. 927]; and upon the Omnibus Reply of the Official Committee of Unsecured Creditors to Objections to the Committee's Motion for Authority to Commence Certain Actions on Behalf of and For the Benefit of the Debtors' Estates [Docket No. 972]; and upon the arguments presented at the hearing on October 29, 2013; and it appearing that the Court has jurisdiction to consider the Standing Motion and the relief requested therein; and due notice of the Standing Motion having been provided, and it appearing that no other or further notice be provided; and after due deliberation and sufficient cause appearing therefore; it is hereby:

ORDERED, that, for the reasons set forth on the record at the October 29, 2013 hearing, the relief requested in the Standing Motion is hereby DENIED WITHOUT PREJUDICE; and it is further

ORDERED, that this Court retains jurisdiction with respect to all matters arising from or related to the Standing Motion and the implementation or interpretation of this Order.

END OF ORDER

3207850.3