

# Vinson&Elkins

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September 6, 2005

The Honorable Harlin D. Hale  
Judge, United States Bankruptcy Court  
1100 Commerce Street  
Dallas, Texas 75242

Re: ***In re VarTec Telecom, Inc., et al.***; Case No. 04-81694-SAF-11  
Agenda Letter for Hearing Scheduled for September 7, 2005 at 2:30 p.m.

Dear Judge Hale:

The purpose of this correspondence is to advise you of the status and proposed disposition of the following matters set for hearing on the Court's docket for September 7, 2005 at 2:30 p.m.:

## **UNCONTESTED MATTERS**

1. Motion to Approve Compromise and Settlement with Lepercq Corporate Income Fund, L.P. filed by the Debtors [Docket No. 1728]

**OBJECTION DEADLINE:** September 6, 2005

**STATUS:** No objection has been received; order to be presented.

**CONTESTED MATTERS**

2. Second Motion for Approval of the Sale of Real Property in DeSoto, Texas, Free and Clear of Liens, Claims, Interests, Encumbrances, and Taxes, and Waiving the Automatic Stay Imposed Under Federal Rule of Bankruptcy Procedure 6004(g) filed by the Debtors [Docket No. 1499]

Objection to Motion to Sell Real Property in DeSoto, Texas filed by Official Committee of Unsecured Creditors [Docket No. 1828]

**OBJECTION DEADLINE:** September 6, 2005

**STATUS:** This matter will be going forward as scheduled.

3. First Omnibus Objection to Claims under 11 U.S.C. §§ 102(a), 105(a), 501(a), and 502(b) and Federal Rule of Bankruptcy Procedure 3007 filed by the Debtors [Docket No. 1508]

Response filed by City of Eureka [Docket No. 1605]

Response filed by El Paso County Treasurer [Docket No. 1651]

Response filed by Hugh J. Gilmartin, Jr. [Docket No. 1674]

Response of Benefit Partners, Inc. [Docket No. \_\_\_\_]

Response of Valor Telecommunications of Texas L.P. [Docket No. \_\_\_\_]

Response of Kerrville Telephone Company [Docket No. \_\_\_\_]

Response of Teller County [Docket No. \_\_\_\_]

**OBJECTION DEADLINE:** August 8, 2005

**STATUS:** The Debtors will present an Order pursuant to which the proofs of claim not addressed in the Court's prior Order will be withdrawn or expunged.

4. Motion to Approve (I) Closing of Reno Call Center; (II) Rejection of Executory Contracts and Unexpired Leases; and (III) Sale of Surplus Personal Property Free and Clear of Liens, Claims, Interests, and Encumbrances filed by the Debtors [Docket No. 1739]

Amended Motion to Approve (I) Closing of Reno Call Center; (II) Rejection of Executory Contracts and Unexpired Leases; and (III) Sale of Surplus Personal Property Free and Clear of Liens, Claims, Interests, and Encumbrances, Filed by Debtor In Possession VarTec Telecom, Inc. [Docket No. 1829]

Objection to Motion to Approve (I) Closing of Reno Call Center; (II) Rejection of Executory Contracts and Unexpired Leases; and (III) Sale of Surplus Personal Property Free and Clear of Liens, Claims, Interests, and Encumbrances filed by the Debtors filed by Creditor Corporate Property Associates 2 and 3 [Docket Nos. 1825]

**OBJECTION DEADLINE:** September 7, 2005

**STATUS:** This matter will be going forward as scheduled.

#### **FEE/EMPLOYMENT MATTERS**

5. Motion Pursuant to 11 U.S.C. Sections 105 and 503(b)(3)(F) for Reimbursement of Actual and Necessary Expenses filed by the Official Committee of Unsecured Creditors [Docket No. 1684]

**OBJECTION DEADLINE:** August 24, 2005

**STATUS:** No objection has been received; order to be presented.

6. Second Motion of the Official Committee of Excel Independent Representatives to Modify Terms of Retention of Scouler Andrews LLC [Docket No. 1749]

**OBJECTION DEADLINE:** September 7, 2005

**STATUS:** No objection has been received; order to be presented.

7. Second Interim Application of Bickel & Brewer, Counsel for the Official Committee of Excel Independent Representatives, for Allowance of Compensation and Reimbursement of Expenses [Docket No. 1755]

**OBJECTION DEADLINE:** September 7, 2005

**STATUS:** No objection has been received; order to be presented.

8. Second Interim Period Application of Scouler Andrews, LLC for Allowance of Compensation for Services Rendered and Reimbursement of Expenses as Claims Consultant to the Official Committee of Excel Independent Representatives for the Period March 1, 2005 through June 30, 2005 [Docket No. 1756]

**OBJECTION DEADLINE:** September 7, 2005

**STATUS:** No objection has been received; order to be presented.

9. Second Interim Application of White & Case LLP, Counsel for the Official Committee of Excel Independent Representatives, for Allowance of Compensation and Reimbursement of Expenses [Docket No.1757]

**OBJECTION DEADLINE:** September 7, 2005

**STATUS:** No objection has been received; order to be presented.

10. Motion of the Official Committee of Excel Independent Representatives to Extend Sunset Provision on IR Committee Appointment for Additional 90 Days [Docket No. 1780]

Objection filed by the Official Committee of Unsecured Creditors [1837]

**OBJECTION DEADLINE:** N/A (Expedited Hearing)

**STATUS:** This matter will be going forward as scheduled.

Sincerely,

*/s/ Daniel C. Stewart*

Daniel C. Stewart

cc: Master Service List

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