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UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE:	)	CHAPTER 11 PROCEEDING
	)	
CEP HOLDINGS, LLC	)	CASE NO. 06-51848
	)	
DEBTOR	)	JUDGE MARILYN SHEA-STONUM

**MOTION OF FIRST COMMUNICATIONS TO COMPEL PAYMENT OF ADMINISTRATIVE PRIORITY CLAIM**

First Communications (“Movant”), by and through its undersigned counsel, respectfully requests this Court to enter an Order directing the Debtor in Possession to pay an administrative priority claim for the period commencing on the date of the bankruptcy filing through and including February 28, 2007. In support of its request, Movant states the following:

**BACKGROUND**

1. On September 20, 2006, (“the Petition Date”), the Debtor filed a voluntarily petition for relief for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330 (“the Bankruptcy Code”). The Debtor continued to utilize telephone and internet service provided by Movant from the Petition Date forward.

2. From the Petition Date to present, the Debtor in Possession has operated the business under authority vested by virtue of the Bankruptcy Code.

3. From the Petition Date through February 28, 2007, post-petition utility charges have accrued in the amount of three hundred seventy-one thousand six hundred nine dollars and thirty-six cents (\$371,609.36). A copy of Movant’s account statement for post-petition utilities is attached as Exhibit “A”. Accordingly, the Debtor and/or the Estate owes Movant an amount not less that \$371,609.36 (“the Administrative Expense Claim”).

**JURISDICTION AND VENUE**

4. This Court has jurisdiction over this Request pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding and for this Request is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2). Bankruptcy Code Sections 365(d)(3), 503(b)(1)(A) and 507(a)(1) provide for basis for the relief sought herein.

## RELIEF REQUESTED

5. Movant respectfully requests that the Court enter an Order Allowing the Administrative Expense Claim in full; and requiring the Debtor to make immediate payment of the Administrative Expense Claim to Movant, if practicable.

6. A claim is entitled to administrative expense priority if it arises from a transaction with the debtor-in-possession and results in direct benefit to the estate. See, e.g., *Pension Benefit Guaranty Corp. v. Sunarhauserman, Inc. (In re Sunarhauserman, Inc.)* 126 F.3d 811, 816 (6<sup>th</sup> Cir. 1997); *In re Olga Coal Co.*, 194 B.R. at 746. Movant has provided telephone and internet service to the Debtor in Possession which has allowed it to maintain business operations. Accordingly, the Administrative Expense Claim is entitled to administrative priority.

WHEREFORE, Movant respectfully prays that this Court enter an Order (a) allowing the Administrative Expense Claim in full (b) directing the Debtor in Possession to make immediate payment of the Administrative Expense Claim from assets of the Estate and (c) providing Movant all other just and proper relief.

WELTMAN, WEINBERG & REIS CO. L.P.A.

/s/ Scott D. Fink  
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**CERTIFICATE OF SERVICE**

A copy of the Motion filed by First Communications has been served upon the Debtor , CEP Holdings, LLC, 3650 W. Market St. Suite 340, Akron, OH 44333, by regular United States Mail; Debtor's attorney, Eric R. Goodman, 3200 National City Center, 1900 E. 9<sup>th</sup> Street, Cleveland, OH 44114-3485, served electronically at [egoodman@bakerlaw.com](mailto:egoodman@bakerlaw.com); and on the Office of the United States Trustee, served electronically on this 10th day of January, 2008.

/s/ Scott D. Fink  
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Attorney for First Communications