

**Fill in this information to identify the case:**

Debtor PaeTec Communications, LLC

United States Bankruptcy Court for the: Southern District of New York  
(State)

Case number 19-22311

## Official Form 410

## Proof of Claim

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

1. <b>Who is the current creditor?</b>	<u>Access Communications Services, Inc.</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. <b>Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. <b>Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b> <u>Access Communications Services, Inc.</u> <u>Boylan Code LLP</u> <u>145 Culver Road, Suite 100</u> <u>Rochester, NY 14620</u>  Contact phone _____ Contact email <u>dpalmer@boylancode.com</u>	<b>Where should payments to the creditor be sent? (if different)</b>  Contact phone _____ Contact email _____  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____
4. <b>Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. <b>Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

<b>6. Do you have any number you use to identify the debtor?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:   __ __ __ __
<b>7. How much is the claim?</b>	\$ <u>41,512.50</u> <b>Does this amount include interest or other charges?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
<b>8. What is the basis of the claim?</b>	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.  <u>Outstanding post-petition commissions</u>
<b>9. Is all or part of the claim secured?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. <b>Nature or property:</b>  <input type="checkbox"/> Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> .  <input type="checkbox"/> Motor vehicle  <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  <b>Value of property:</b> \$ _____ <b>Amount of the claim that is secured:</b> \$ _____ <b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)  <b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____  <b>Annual Interest Rate</b> (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
<b>10. Is this claim based on a lease?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <b>Amount necessary to cure any default as of the date of the petition.</b> \$ _____
<b>11. Is this claim subject to a right of setoff?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ No

☒ Yes. Check all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ \_\_\_\_\_

☐ Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☒ Other. Specify subsection of 11 U.S.C. § 507(a)(2) that applies.

\$ 41,512.50

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

☒ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07/12/2019  
MM / DD / YYYY

/s/Devin Lawton Palmer  
Signature

Print the name of the person who is completing and signing this claim:

Name Devin Lawton Palmer  
First name Middle name Last name

Title Partner

Company Boylan Code LLP

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Contact phone

Email



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (877) 759-8815 | International (424) 236-7262

<b>Debtor:</b> 19-22311 - PaeTec Communications, LLC		
<b>District:</b> Southern District of New York, White Plains Division		
<b>Creditor:</b> Access Communications Services, Inc. Boylan Code LLP 145 Culver Road, Suite 100  Rochester, NY , 14620 <b>Phone:</b> <b>Phone 2:</b> <b>Fax:</b> <b>Email:</b> dpalmer@boylancode.com	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded <b>Related Document Statement:</b>	
	<b>Has Related Claim:</b> No <b>Related Claim Filed By:</b>	
	<b>Filing Party:</b>	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Outstanding post-petition commissions	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 41,512.50	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> Yes	<b>Priority Under:</b> 11 U.S.C. §507(a)(2): 41,512.50	
<b>Has Secured Claim:</b> No <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> No <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b> <b>Annual Interest Rate:</b> <b>Arrearage Amount:</b> <b>Basis for Perfection:</b> <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Devin Lawton Palmer on 12-Jul-2019 6:08:38 p.m. Eastern Time <b>Title:</b> Partner <b>Company:</b> Boylan Code LLP		

Fill in this information to identify the case:

Debtor 1 PaeTec Communications, LLC

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of New York

Case number 19-22311

Official Form 410

**Proof of Claim**

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

1. Who is the current creditor?

Access Communications Services, Inc.

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom?

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

Boylan Code LLP attn: Devin Palmer

Name

145 Culver Road, Suite 100

Number Street

Rochester

NY

14620

City

State

ZIP Code

Contact phone 585.232.5300

Contact email dpalmer@boylancode.com

Where should payments to the creditor be sent? (if different)

Name

Number Street

City

State

ZIP Code

Contact phone

Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ Yes. Claim number on court claims registry (if known)

Filed on MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 41,512.50 Does this amount include interest or other charges?  
☒ No  
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
Outstanding post-petition commissions

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.
- Nature of property:**  
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_
- Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
- Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)
- Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_
- Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
☐ Fixed  
☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

☐ No

☒ Yes. Check one:

**Amount entitled to priority**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ \_\_\_\_\_

☐ Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$13,650\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☒ Other. Specify subsection of 11 U.S.C. § 507(a)(2) that applies.

\$ 41,512.50

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

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Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07/10/2019  
MM / DD / YYYY

  
Signature

**Print the name of the person who is completing and signing this claim:**

Name Devin Lawton Palmer  
First name Middle name Last name

Title Partner

Company Boylan Code LLP  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 145 Culver Road, Suite 100  
Number Street

Rochester NY 14620  
City State ZIP Code

Contact phone 585.232.5300 Email dpalmer@boylancode.com

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

**PAETEC COMMUNICATIONS, LLC,**

Case No. 19-22311 (RDD)

Debtor.

(Jointly Administered)<sup>1</sup>

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**REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM**

**THIS FORM IS TO BE USED ONLY FOR  
ADMINISTRATIVE EXPENSE CLAIMS, INCLUDING  
CLAIMS UNDER SECTION 503(b)(9) OF THE  
BANKRUPTCY CODE**

1. Name of administrative expense claimant:

Access Communications Services, Inc. ("Access")

2. Name of Debtor administrative expense claim asserted against:

Paetec Communications, LLC (3453); BK No. 19-22311 (RDD).<sup>2</sup>

3. Nature and description of the administrative expense claim (you may attach a separate summary):

Access' 11 U.S.C. § 503(b)(1)(A) administrative claim, which is entitled to priority under 11 U.S.C. § 507(a)(2) and plan treatment in accordance with 11 U.S.C. § 1129(a)(9), is based upon unpaid commissions earned post-petition. The services underlying those commissions were both necessary and beneficial to the preservation of the estate. The commissions represent post-petition sales and corresponding revenue used to fund Debtors' reorganization efforts and eventual plan of repayment.

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<sup>1</sup> Jointly administered under Windstream Holdings, Inc., et al., Case Number 19-22312 (RDD).

<sup>2</sup> Pursuant to Sections 8(d), 8(e) and 9(i) of this Court's Order (I) Setting Bar Dates for Submitted Proofs of Claim, (II) Approving Procedures for Submitting Proofs of Claim, and (III) Approving Notice Thereof (Doc. 518), Access has filed separate administrative claims in the following jointly administered bankruptcies: (a) In re Windstream Holdings, Inc., Case No. 19-22312; (b) In re Windstream Communications, LLC, Case No. 19-22433; (c) In re PAETEC Holding, LLC, Case No. 19-22381; (d) In re Paetec Communications, LLC, Case No. 19-22311; and (e) In re PAETEC, LLC, Case no. 19-22393.



4. Date(s) administrative expense claim arose:

February 25, 2019 through July 10, 2019

5. Amount of administrative expense claim:

\$41,512.50 through July 10, 2019

Calculated based on 135 days post-petition at per diem of \$307.50. Per diem principal rate continues at \$307.50. Per diem is calculated from commissions earned in the months immediately preceding the Petition Date. Access reserves the right to amend the claim to, among other things, include additional unpaid post-petition commissions.

6. Documentation supporting the administrative expense claim must be attached hereto. Documentation should include evidence of (a) the nature of the administrative expense claim asserted, (b) the date or dates on which the administrative expense claim arose, and (c) for section 503(b)(9) claims, the date or dates any goods were received by the Debtor.

Under cover of a letter dated May 31, 2019, Access has already provided Debtors' counsel the Release and Settlement Agreement, entered into by the parties on or about September 8, 2017, that supports the claim. Access reserves the right to add additional documentation.

7. Reservation of rights.

This Proof of Claim shall not be deemed a consent by Access Communications Services, Inc. to having any matters relating to any disputed claims heard by the United States Bankruptcy Court for the Southern District of New York, including but not limited to, any dispute presently before any state court, or any administrative, regulatory or arbitral forums, or requiring consideration of laws or regulations other than the Bankruptcy Code; nor shall Access Communications Services, Inc.'s submission of this Proof of Claim waive any right of Access Communications Services, Inc. to have final orders in non-core matters entered only after a de novo review by a district court judge, or to have the United States District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, or any other rights, claims, actions defenses, setoffs or recoupment (whether contingent, unliquidated or otherwise) to which Access Communications Services, Inc. is or may be entitled under any agreements, in law or equity, all of which rights, claims, actions, defenses, setoffs and recoupments (whether contingent, unliquidated or otherwise) are expressly preserved.

Dated: Rochester, New York  
July 12, 2019

Respectfully submitted,

**BOYLAN CODE LLP**

*Attorneys for Access Communication Services, Inc.*



Devin Lawton Palmer, Esq.  
145 Culver Road, Suite 100  
Rochester, New York 1420  
Telephone: 585.232.5300  
Facsimile: 585.238.9056  
E-mail: [dpalmer@boylancode.com](mailto:dpalmer@boylancode.com)