

Stephen E. Hessler, P.C.
KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

James H.M. Sprayregen, P.C.
Ross M. Kwasteniet, P.C. (admitted *pro hac vice*)
Brad Weiland (admitted *pro hac vice*)
John R. Luze (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
300 North LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200

Counsel to the Reorganized Debtors

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | | | | |
|---|---|---------------------------------------|---|--|--|
| |) | | | | |
| In re: |) | Chapter 11 |) | | |
| |) | |) | | |
| WINDSTREAM FINANCE, CORP., <i>et al.</i> , ¹ |) | Case No. 19-22397 (RDD) |) | | |
| |) | |) | | |
| Reorganized Debtors. |) | (Jointly Administered) |) | | |
| |) | (Formerly Jointly Administered under |) | | |
| |) | Lead Case: Windstream Holdings, Inc., |) | | |
| |) | Case No. 19-22312) |) | | |

AGENDA FOR MARCH 17, 2021 TELEPHONIC HEARING

Time and Date of Hearing:² March 17, 2021, at 10:00 a.m. (prevailing Eastern Time)

Telephonic Only Hearing: In accordance with General Order M-543 (“General Order M-543”), dated March 20, 2020, the Hearing will only be conducted telephonically. Any parties wishing to participate in the Hearing must make arrangements through CourtSolutions LLC. Instructions to register for CourtSolutions LLC are attached to General Order M-543. Please register with Court Solutions at www.court-solutions.com.

Copies of Motions: A copy of each pleading can be viewed on the Court’s website at <http://www.nysb.uscourts.gov> and the website of the Reorganized

¹ The last four digits of the Reorganized Debtor Windstream Finance, Corp.’s tax identification number are 5713. Due to the large number of Reorganized Debtors in these chapter 11 cases, for which joint administration was granted, a complete list of the reorganized debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <http://www.kccllc.net/windstream>. The location of the Reorganized Debtors’ service address for purposes of these chapter 11 cases is 4001 North Rodney Parham Road, Little Rock, Arkansas 72212.

² The matters with respect to Saetec, Inc. that are subject to the scheduling order [Docket No. 30] are omitted from this agenda and will not be heard at the hearing.



Debtors' notice and claims agent, Kurtzman Carson Consultants LLC, at <http://www.kccllc.net/windstream>. Further information may be obtained via email at WindstreamInfo@kccllc.com or by calling toll free 877-759-8815 (U.S. and Canada) or 424-236-7262 (international).

I. MATTERS GOING FORWARD:

1. ***Fourteenth Omnibus Claims Objection.*** Reorganized Debtors' Fourteenth Omnibus Objection to Cross-Debtor Claims, Insufficient Documentation Claims, Late-Filed Claims, No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified [Docket No. 43].

Objection Deadline: March 10, 2021, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Joint Claimants' Response to Debtors' Partial Objection to Claim [Docket No. 2825] (relating to Claim Nos. 3616-17 from claimants Firooz Soulati and Mahin Amidzadeh).
- B. Response to Debtors' Objection to Request of Unico BOP Rivertec, LLC for Allowance of Administrative Expense Claim [Docket No. 61] (Claim No. 8721).
- C. Informal Response of Susan Bradley (Claim No. 4227).
- D. Informal Response of GPI-OCS, LLC (Claim No. 4338).

Related Documents:

- E. Request of Unico BOP Rivertec, LLC for Allowance of Administrative Expense Claim [Docket No. 2580].
- F. Certificate of No Objection Regarding Reorganized Debtors' Fourteenth Omnibus Objection to Cross-Debtor Claims, Insufficient Documentation Claims, Late-Filed Claims, No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified [Docket No. 63].

Status: This matter is going forward. The response from Firooz Soulati and Mahin Amidzadeh (joint response) is adjourned to the April omnibus hearing pending consensual resolution. The response from Unico BOP Rivertec, LLC is consensually resolved and adjourned to the April omnibus hearing pending the claimant's withdrawal of the response [Docket No. 61] and the application for allowance of administrative expense [Docket No. 2580]. The response from Susan Bradley is in process of being resolved and has been adjourned to the April omnibus hearing. The matter as to

GPI-OCS, LLC is consensually resolved, and the objection is withdrawn solely as to the corresponding claim (Claim No. 4338).

2. ***Eleventh Notice of Satisfaction.*** Eleventh Notice of Satisfaction of Claims [Docket No. 44].

Objection Deadline: March 10, 2021 at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Informal Response of Sentry Heating & Air Conditioning Inc. (Claim No. 3190891).
- B. Informal Response of Wilcox County, GA Tax Collector (Claim No. 8755).

Related Documents:

- C. Certificate of No Objection Regarding Reorganized Debtors' Eleventh Notice of Satisfaction of Claims [Docket No. 62].

Status: This matter is going forward. Each response is adjourned to the April hearing. The response from Sentry Heating & Air Conditioning Inc. is consensually resolved and adjourned to the April omnibus hearing pending performance under a certain settlement agreement.

II. CONTINUED MATTERS:

3. ***Applications for Payment of Administrative Expense Claims.***

- A. Motion for Payment of an Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(1)(A) [Docket Nos. 2577, 2579] (filed on behalf of 99 Washington Avenue, LLC and One Commerce Plaza, LLC).
- B. Notice of Filing of Requests for Payment of Unpaid Administrative Claims [Docket No. 2582] (filed on behalf of Cigna Life Insurance Company of New York and Life Insurance Company of North America).
- C. CMN-RUS, Inc.'s Motion for Allowance of Administrative Claim for Post-Petition Services and Immediate Payment Thereof [Docket No. 2584].
- D. Request for Allowance and Payment of Administrative Expense Claim of Broadsoft, Inc. [Docket No. 2601].
- E. Kentucky Energy Cooperatives' Motion for Allowance and Payment of Administrative Expense Claims [Docket No. 2612].
- F. Application for Allowance and Payment of Nitel, Inc.'s Administrative Expense Claims Against Various Debtors [Docket Nos. 2629-30].

Status: The motions from the following parties are in process of consensual resolution and adjourned to the April omnibus hearing: 99 Washington Avenue, LLC and One Commerce Plaza, LLC; CMN-RUS, Inc.; and Nitel, Inc. The motions from the following parties were not noticed for hearing: Cigna Life Insurance Company of New York and Life Insurance Company of North America; Broadsoft, Inc.; and Kentucky Energy Cooperatives.

4. ***Objections to the Plan Supplement/Cure.***

- A. Objection and Reservation of Rights of FirstEnergy Companies to Notice of Filing of Plan Supplement [Docket No. 2022].
- B. Objection of American Electric Power Companies to Notice of Filing of Plan Supplement [Docket No. 2045].
- C. Objections and Reservations of Rights of Niagara Mohawk Power Corporation dba National Grid, National Grid USA Service Company, Inc., and Other National Grid Companies to Notice of Filing of Plan Supplement [Docket Nos. 2079, 2661].
- D. Objections of the Ad Hoc EMC Group to the Debtors' Notice of Filing of Plan Supplement [Docket No. 2094].
- E. Limited Objection and Reservation of Rights of NG-KIH Design Build LLC, as Agent, to Debtors' Assumed Executory Contract and Unexpired Lease List Filed as Exhibit A to the Plan Supplement [Docket No. 2099].
- F. Omnibus Limited Objection with Respect to the Notice of Filing of Plan Supplement (Kentucky Energy Cooperatives) [Docket Nos. 2100-01]
- G. Limited Objection and Reservation of Rights of Berkley Insurance Company and Berkley Regional Insurance Company to Debtors' Proposed Assumption of Certain Executory Contracts Under the Plan [Docket No. 2115].
- H. Limited Objection and Reservation of Rights of Aspen American Insurance Co., Aspen Insurance UK Limited, Aspen Specialty Insurance Co. to Debtors' Proposed Assumption of Certain Executory Contracts Under the Plan [Docket No. 2116].
- I. United Electric Cooperative Services, Inc.'s Objection to Debtors Plan and Reservation of Rights Regarding Cure Amounts [Docket No. 2153].
- J. Objection of MP Nexlevel, LLC, to the Debtors' Notice of (A) Executory Contracts and Unexpired Leases to be Assumed by the Related Procedures in Connection Therewith [Docket No. 2230].

- K. Objection of Duke Energy to Plan Supplement and Debtors' Notice of (A) Executory Contracts and Unexpired Leases to Be Assumed by the Debtors Pursuant to the Plan, (B) Cure Amounts, if any, and (C) Related Procedures in Connection Therewith [Docket No. 2256].

Related Documents:

- L. Certain Notices of Filing of Plan Supplements [Docket Nos. 1973, 2010, 2039, 2199, 2303, 2354, 2422, 2480, 2522, 2654, and 2661].

Status: The matters with respect to each of the following parties are in process of consensual resolution and are adjourned to a date to be determined: FirstEnergy Companies; American Electric Power Companies; Niagara Mohawk Power Corporation dba National Grid; NG-KIH Design Build LLC; Berkley Insurance Company and Berkley Regional Insurance Company; Aspen American Insurance Co., Aspen Insurance UK Limited, Aspen Specialty Insurance Co.; and Duke Energy. The disputes with the Ad Hoc EMC Group are adjourned, and to the extent not resolved consensually, the Reorganized Debtors and the Ad Hoc EMC Group will submit a scheduling order to address the resolution of such disputes. The matter with MP Nexlevel, LLC is consensually resolved in principle and adjourned to the April omnibus hearing while the parties finalize a settlement agreement. All other matters are continued to a date to be determined.

5. ***Sixth Omnibus Claims Objection.*** Debtors' Sixth Omnibus Objection to Amended Claims, Cross-Debtor Duplicate Claims, Equity Interest Claims, and No Liability Claims [Docket No. 2317].

Objection Deadline: August 11, 2020, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Response of ESA Management LLC in Opposition to Windstream's Sixth Omnibus Claim Objection [Docket No. 2403].
- B. Response of CMN-RUS, Inc. to Debtors' Sixth Omnibus Objection to Claims [Docket No. 2379].

Related Documents:

- C. Order Regarding Debtors' Sixth Omnibus Objection to Amended Claims, Cross-Debtor Duplicate Claims, Equity Interest Claims, and No Liability Claims [Docket No. 2468].

Status: The matter with respect to ESA is adjourned to the April omnibus hearing while the parties finalize a settlement agreement. The response from CMN-RUS, Inc. is adjourned to the April hearing.

6. ***Eighth Omnibus Claims Objection.*** Debtors' Eighth Omnibus Objection to Amended Claims, No Liability Claims, and Claims to be Modified [Docket No. 2453].

Objection Deadline: September 18, 2020, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Response of Ricky Shelton and Billie Shelton to the Eighth Omnibus Objection [Docket No. 2481].
- B. Response of Fairview Health Services to Debtors' Notice of Eight Omnibus Objection to Amended Claims, No Liability Claims, and Claims to be Modified [Docket No. 2493].

Related Documents:

- C. Order Regarding Debtors' Eighth Omnibus Objection to Amended Claims, No Liability Claims, and Claims to be Modified [Docket No. 2542].

Status: The response from Ricky Shelton and Billie Shelton is adjourned to a date to be determined. The matter with respect to Fairview Health Services is adjourned to the April omnibus hearing while the parties finalize a settlement agreement.

7. ***Ninth Omnibus Claims Objection.*** Debtors' Ninth Omnibus Objection to Equity Interest Claims, Insufficient Documentation Claims, Late-Filed Claims, No Liability Claims, Substantively Duplicate Claims, Claims to be Modified, and Wrong Debtor Claim [Docket No. 2528].

Objection Deadline: October 15, 2020, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Informal Response of Mississippi Department of Revenue (Claim No. 8481).

Related Documents:

- B. Order Granting Debtors' Ninth Omnibus Objection to Equity Interest Claims, Insufficient Documentation Claims, Late-Filed Claims,

No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified, and Wrong Debtor Claim [Docket No. 2622].

Status: The response from Mississippi Department of Revenue is adjourned to the April omnibus hearing.

8. ***Tenth Omnibus Claims Objection.*** Reorganized Debtors' Tenth Omnibus Objection to Amended Claims, Equity Interest Claims, Insufficient Documentation Claims, No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified [Docket No. 2589].

Objection Deadline: November 19, 2020, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Universal Service Administrative Company's Opposition to Reorganized Debtors' Tenth Omnibus Claim Objection to Amended Claims, Equity Interest Claims, Insufficient Documentation Claims, No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified [Docket No. 2671].
- B. Response of Ricky Shelton and Billie Shelton to Reorganized Debtors' Tenth Omnibus Objection to Amended Claims, Equity Interest Claims, Insufficient Documentations Claims, No Liability Claims, Substantively Duplicate Claims and Claims to be Modified (Filed by Thomas E Carroll on Behalf of Billie Shelton, Ricky Shelton) [Docket No. 2672]
- C. Informal Response of Ester Louise Osborne (Claim No. 5059).

Related Documents:

- D. Order Granting, in Part, Reorganized Debtors' Tenth Omnibus Objection to Amended Claims, Equity Interest Claims, Insufficient Documentation Claims, Late-Filed Claims, No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified [Docket No. 2717].

Status: The responses from Universal Service Administrative Company, Ricky Shelton and Billie Shelton, and Ester Louise Osborne are adjourned to a date to be determined.

9. ***Twelfth Omnibus Claims Objection.*** Reorganized Debtors' Twelfth Omnibus Objection to Amended Claims, a Cross-Debtor Duplicate Claim, Equity Interest Claims, Insufficient Documentation Claims, No Liability Claims, a Substantively Duplicate Claim, and Claims to be Modified [Docket No. 17].

Objection Deadline: January 19, 2021, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Response by Northside Center for Child Development, Inc. to the Reorganized Debtor's Objection to Claim No. 8664 [Docket No. 49].

Related Documents:

- B. Order Granting Reorganized Debtors' Twelfth Omnibus Objection to Amended Claims, a Cross-Debtor Duplicate Claim, Equity Interest Claims, Insufficient Documentation Claims, No Liability Claims, a Substantively Duplicate Claim, and Claims to be Modified [Docket No. 38].

Status: The matter with respect to Northside Center for Child Development, Inc. is adjourned to the April omnibus hearing while the parties finalize a settlement agreement.

10. ***Thirteenth Omnibus Claims Objection.*** Reorganized Debtors' Thirteenth Omnibus Objection to Insufficient Documentation Claims, a Late-Filed Claim, No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified [Docket No. 33].

Objection Deadline: February 18, 2021, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Informal Response of Plymouth TFC, General Partnership (Claim No. 1210).
- B. Informal Response of the Pennsylvania Department of Revenue (Claim No. 8633).
- C. Informal Response of Blackall Mechanical (Claim No. 259).

Related Documents:

- D. Order Granting Reorganized Debtors' Thirteenth Omnibus Objection to Insufficient Documentation Claims, a Late-Filed Claim, No Liability Claims, Substantively Duplicate Claims, and Claims to be Modified [Docket No. 53].

Status: The matters with respect to Plymouth TFC General Partnership and Blackall Mechanical are adjourned to the April omnibus hearing pending performance under certain settlement agreements. The response from the Pennsylvania Department of Revenue is adjourned to the April omnibus hearing.

11. ***Fifth Notice of Satisfaction.*** Fifth Notice of Satisfaction of Claims [Docket No. 2315].

Objection Deadline: August 11, 2020, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Response of Fairview Health Services to Debtors' Fifth Notice of Satisfaction of Claims [Docket No. 2389].
- B. Response to Fifth Notice of Satisfaction of Claims by the School Board of Hamilton County, Florida [Docket No. 2425].

Related Documents:

- C. Order Granting Fifth Notice of Satisfaction [Docket No. 2466].

Status: The matter with respect to Fairview Health Services is adjourned to the April omnibus hearing while the parties finalize a settlement agreement. The response from the School Board of Hamilton County, Florida is adjourned to a date to be determined.

12. ***Ninth Notice of Satisfaction.*** Ninth Notice of Satisfaction of Claims [Docket No. 16].

Objection Deadline: January 19, 2021, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Informal Response of Georgia Power Company (solely as to Claim Nos. 3185094, 3174605, 3185307, 3179466, 3184150, 3171853, 3186345, 3191155, 3191946, 3189836, 3187770, 3188298, 3185095, and 6046)
- B. Informal Response of the Ad Hoc EMC Group (Claim Nos. 5917, 5932, 5945, 5929, 5973, 5926, 7288, 5882).
- C. Informal Response of Network USA (Claim No. 3181593).

Related Documents:

- D. Order Granting Ninth Notice of Satisfaction [Docket No. 40].

Status: The matters with respect to Georgia Power Company (for all claims noted above) and Network USA are adjourned to the April omnibus hearing pending performance under certain settlement agreements. The disputes with the Ad Hoc EMC Group are adjourned, and to the extent not resolved consensually, the Reorganized Debtors and the Ad Hoc EMC Group will submit a scheduling order to address the resolution of such disputes.

13. ***Tenth Notice of Satisfaction.*** Tenth Notice of Satisfaction of Claims [Docket No. 32].

Objection Deadline: February 18, 2021 at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Informal Response of Upson Electric, a member of the Ad Hoc EMC Group (Claim Nos. 3183543, 3185159, 3171893, 3192091, 3187988).
- B. Informal Response of Southern Company (Claim No. 3171732).
- C. Informal Response of VTech Communications, Inc. (Claim No. 1174).

Related Documents:

- D. Order Approving the Tenth Notice of Satisfaction [Docket No. 52].

Status: The disputes with the Ad Hoc EMC Group are adjourned, and to the extent not resolved consensually, the Reorganized Debtors and the Ad Hoc EMC Group will submit a scheduling order to address the resolution of such disputes. The response from Southern Company is adjourned to the April omnibus hearing pending performance pursuant to a certain settlement agreement. The response from VTech Communications, Inc. is not set for hearing.

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Dated: March 15, 2021
New York, New York

/s/ Stephen E. Hessler, P.C.

Stephen E. Hessler, P.C.

KIRKLAND & ELLIS LLP

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601 Lexington Avenue

New York, New York 10022

Telephone: (212) 446-4800

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- and -

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