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UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

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In re

CASE NO. 6:03-bk-MISSION

ADVANCED TELECOMMUNICATION

Chapter 11

NETWORK, INC.,

Debtor.

ADVANCED TELECOMMUNICATION NETWORK, INC.'S SECOND MOTION TO EXTEND EXCLUSIVITY PERIOD TO FILE A PLAN OF REORGANIZATION

ADVANCED TELECOMMUNICATION NETWORK, INC. ("AIN" or "Debtor"), debtor-in-possession, pursuant to \$1121(d) of the United States Bankruptcy Code (the "Bankruptcy Code"), requests a second order extending the Debtor's exclusivity period in connection with the filing of a plan of reorganization in this case, and in support thereof states as follows:

- Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code on January 10, 2003 ("Petition Date"); no trustee has been appointed.
- 2. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §1334. Venue in this district is proper pursuant to 28 U.S.C. §1409. The statutory predicate for the relief sought herein is Bankruptcy Code §1121(d).

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- 3. Debtor is continuing to operate its business as debtor-in-possession pursuant to §§1107 and 1108 of the Bankruptcy Code, and this Court's order authorizing it to continue doing business as debtor-in-possession.
- 4. The Debtor, a New Jersey corporation, is a common carrier of telecommunications service that "resells" long distance services. As a "switchless reseller" of long distance, ATN purchases long distance from telecommunication providers at wholesale rates, and subsequently resells such services to its customers at retail rates. The Debtor bills, collects, and provides customer service to its customers.
- 5. On May 12, 2003, the Debtor filed its first motion requesting an extension of the exclusivity period to file a plan of reorganization, due to the size and complexity of the bankruptcy case. On June 16, 2003, the Court granted the Debtor's motion and extended the Exclusivity Period until August 11, 2003, and if a plan is filed by that date, continued exclusivity until October 7, 2003.
- 6. Bankruptcy Code Section 1121(b) and (c) grant the exclusive right to file a plan of reorganization for 120 days after the Petition Date to the debtor. The 120 day

period (the "Exclusivity Period") is extended to 180 days, if the debtor files a plan of reorganization within such 120 day period. Pursuant to §1121(d) of the Bankruptcy Code, the Court may extend the debtor's Exclusivity Period for cause.

- 7. Since the initial extension of the Exclusivity
 Period granted by the Court, the Debtor has obtained new
 counsel in its bankruptcy case. The Debtor has employed the
 law firm of Gronek & Latham, LLP to serve as its bankruptcy
 counsel in an effort to refocus on the main bankruptcy case
 and facilitate a successful reorganization of the company.
- 8. Additionally, the Debtor continues to pursue its adversary proceeding against Daniel W. Allen and David D. Allen (collectively, the "Allens") and hopes to obtain a preliminary injunction against certain assets of the Allens, prior to the end of September (the "Preliminary Injunction"). Currently, an evidentiary hearing on the Preliminary Injunction is scheduled for September 11, 2003.
- 9. In order to allow Debtor's new bankruptcy counsel to become more familiar with the Debtor's business and formulate sound plan of reorganization, and allow for a final disposition of the Preliminary Injunction and provide

adequate disclosure in the disclosure statement, Debtor seeks an extension of the Exclusivity Period (August 11, 2003) to September 30, 2003, and if a plan is filed by this date, continued exclusivity to November 30, 2003.

wherefore, Debtor respectfully requests this Court enter an order extending the Exclusivity Period to September 30, 2003, and if a plan is filed by this date, continued exclusivity until November 30, 2003, and for such other and further relief that the Court may deem just and proper.

RESPECTFULLY SUBMITTED this _____ day of August, 2003.

R. Scott Shuker, Esquire Florida Bar No. 984469

Jimmy D. Parrish, Esquire Florida Bar No. 526401

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Telecommunication Network, Inc.

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

In re

CASE NO. 6:03-bk-00299-ABB

ADVANCED TELECOMMUNICATION NETWORK, INC.,

Chapter 11

Debtor.

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of ADVANCED TELECOMMUNICATION NETWORK, INC.'S SECOND MOTION TO EXTEND EXCLUSIVITY PERIOD TO FILE A PLAN OF REORGANIZATION, has been furnished by U.S. First Class mail, postage prepaid, to: Damian Freeman, President, ATN, 2502 N. Rocky Point Dr., Suite 860, Tampa, FL 33607; Richard Rodriguez, Asst. Corp. Counsel, ATN, 2502 N. Rocky Point Dr., Suite 860, Tampa, FL 33607; the All Creditors and parties-in-interest list, as shown on the matrix attached to the original of this motion filed with the Court; and the Office of the United States Trustee, 135 W. Central Boulevard, Suite 620, Orlando, Florida 32801, this // day of August, 2003.

R. Scott Shuker, Esquire