

Baker Sterchi Cowden & Rice, LLC

2400 Pershing Road, Suite 500

Kansas City, Missouri 64108

(816) 471-2121

(816) 472-0288 (facsimile)

FILED⁴

FEB 10 2005

**Missouri Public
Service Commission**

February 10, 2005

BY HAND DELIVERY

Dale Hardy Roberts, Chief Regulatory Law Judge/

Secretary of the Commission

Missouri Public Service Commission

200 Madison Street

Jefferson City, Missouri 65102

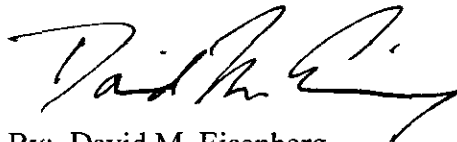
Re: Motion of VarTec Telecom, Inc. for Reconsideration of Order Granting
Default in case no. TC-2005-0174 (Fabyanic v. VarTec Telecom, Inc.)

Dear Judge Roberts:

Enclosed please find an original and eight copies of VarTec Telecom's Motion for Reconsideration of the Order Granting Default and Directing Staff Investigation in the above-referenced matter.

Respectfully submitted,

Baker Sterchi Cowden & Rice, LLC



By: David M. Eisenberg

Enclosures

BEFORE THE MISSOURI PUBLIC
SERVICE COMMISSION

FILED⁴

FEB 10 2005

Missouri Public
Service Commission

Lula Fabyanic,

Complainant,

v.

VarTec Telecom, Inc.,

Respondent.

Case No. TC-2005-0174

**MOTION FOR RECONSIDERATION OF ORDER GRANTING DEFAULT AND
DIRECTING STAFF INVESTIGATION**

1. VarTec Telecom, Inc., by its attorneys, respectfully moves that the Commission reconsider its order granting default and directing staff investigation in this matter.
2. Following receipt of Ms. Fabyanic's complaint, which called upon VarTec to respond by January 19, 2005, a member of VarTec's regulatory staff in Texas, who failed to appreciate the distinction between the filing of a formally docketed Complaint (as was filed in this case), and an informal complaint, sent a response to the Commission on January 19th, but did so by means of a letter that was e-mailed to Cecilia Barr of the Commission's Consumer Services group, without the participation of a Missouri attorney. (Exhibit A.) VarTec's response was returned to VarTec by PSC letter dated January 21 (Exhibit B), which was not received by VarTec until January 26th.
3. While this is a common way for VarTec to respond to most consumer inquiries and complaints, VarTec now appreciates that this was not an appropriate way to respond to a formal complaint. It is VarTec's intention to participate and cooperate fully in the Commission's handling of this Complaint proceeding, and to do so in a timely manner.
4. VarTec has been in Chapter 11 bankruptcy proceedings since November 1, 2004, which has placed extraordinary demands on the company's regulatory staff as the company seeks to restructure and continue its business operations. (Exhibit C.)

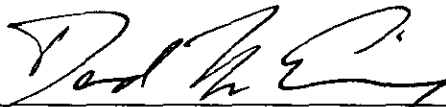
Nevertheless, the company fully recognizes its obligation to cooperate with the Commission's procedures.

5. WHEREFORE, VarTec respectfully requests that the Commission enter an Order
- (1) withdrawing its Order Granting Default and Directing Staff Investigation; and
 - (2) directing VarTec to file its Answer within seven business days thereafter.

Dated: February 10, 2005

Respectfully submitted,

BAKER STERCHI COWDEN & RICE, LLC



By: David M. Eisenberg - MO # 54767

2400 Pershing Road, Suite 500

Kansas City, Missouri 64108

(816) 471-2121 (main)

(816) 448-9343 (direct)

Fax: (816) 472-0288

Attorneys for VarTec Telecom, Inc.

CERTIFICATE OF SERVICE

I certify that a true copy of this Motion has been served upon the following by U.S. Mail, postage prepaid, this 10th day of September, 2005:

Dana K. Joyce
Missouri PSC
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102

John B. Coffman
Missouri PSC
P.O. Box 7800
200 Madison Street, Suite 640
Jefferson City, MO 65102

Lula Fabyanic
1199 A Runabout Drive
Osage Beach, MO 65065




EXHIBIT A



January 19, 2005

VIA EMAIL ON JANUARY 19, 2005

Ms. Cecilia Barr
Missouri Public Service Commission
Consumer Services
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102

Re Customer Lula Fabyanic
 Telephone Number (573) 348-5188

Dear Ms. Barr:

VarTec Telecom, Inc. ("VarTec") is in receipt of a copy of the above-noted customer's formal complaint, which was filed with the Missouri Public Service Commission ("Commission") on December 17, 2004. The Company has attempted to resolve this matter via correspondence and telephone communication; however, these attempts have not resulted in successful resolution.

Please be advised that on November 1, 2004, VarTec Telecom, Inc. and 17 related domestic entities, including Excel Telecommunications, Inc., filed for Chapter 11 bankruptcy protection. As a result of this protective bankruptcy filing, the Company is unable to comply with Ms. Fabyanic's request for monetary compensation for the inconvenience she experienced while attempting to resolve her concerns with VarTec.

Enclosed with the customer's copy of this correspondence, please find a copy of the Notice of Chapter 11 Filing and Protection of Automatic Stay for Ms. Fabyanic's files. As the Company is unable to grant the customer's request for monetary compensation due to the bankruptcy proceedings, VarTec respectfully suggest that she file a Proof of Claim. Please contact the undersigned at (972) 478-3350 with any questions regarding this correspondence.

Respectfully submitted,

Sara Howell
Regulatory Analyst II

cc: Ms. Lula Fabyanic (Via First Class U.S. Mail)
 1199A Runabout Drive
 Osage Beach, Missouri 65065

Carol Even
Manager, Regulatory Affairs

VarTec Telecom, Inc.
2440 Marsh Lane
Carrollton, Texas 75006
(972) 478-3000

EXHIBIT B



JAN 25 2005

Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

January 21, 2005

VarTec Telecom, Inc.
Sara Howell
2440 Marsh Lane
Carrollton, TX 75006

Re: Case TC-2005-0174 – Response to Formal Complaint

Dear Ms. Howell:

The Commission is returning the enclosed documents for the following reason(s).

- ☐ All pleadings must make reference to the statutory provision or other authority under which relief is requested. (*Reference: 4 CSR 240-2.080 (3) – Pleadings, Filing and Service*)
- ☐ All pleadings, unless filed pro se, must be filed by an attorney licensed to practice law in the State of Missouri. (*Reference: 4 CSR 240-2.040 (5) – Practice Before the Commission (Supreme Court Rule 55.03)*)
- ☐ An attorney who is not licensed to practice in Missouri must retain local counsel and follow the provisions of 4 CSR 240-2.040 – Practice Before the Commission.
- ☐ All attorney signatures must be followed by the attorney's Missouri Bar number or similar designation from another state. (*Reference: 4 CSR 240-2.080 – Practice Before the Commission (Supreme Court Rule 55.03)*)
- ☐ All applications for Certificates of Service Authority to provide Interexchange, Local Exchange or Basic Local Exchange service must contain a tariff bearing a 45-day effective date. (*Reference: 4 CSR 240-3.510(C)*)
- ☐ An application of the type enclosed must include a Certificate of Good Standing and/or a registration of Fictitious Name from the Missouri Secretary of State's Office. (*Reference: 4 CSR 240-2.060 (1)(B) and (E) – Applications*)
- ☐ For an association, a list of its members must be included. (*Reference: 4 CSR 240-2.060 (1)(J) – Applications*)
- ☐ Territorial agreements must include an illustrative tariff as an exhibit. (*Reference: 4 CSR 240-3.130(B) – Electric*)
- ☐ 30 days' notice to the Commission is required as to every publication relating to telephone rates or service. (*Reference: 4 CSR 240-3.545(18)*)

January 21, 2005

Page 2

- ☐ Missouri Supreme Court Rule 6.01(m) Pro Hac Vice Fee. "An attorney seeking to appear pursuant to Rule 9.03 shall pay a fee of \$100 for each case in each court or administrative tribunal in which the attorney seeks to appear." A copy of the receipt shall be attached to the filing.

- ☒ Faxed or e-mailed filings are not acceptable. Please read below for other filing alternatives.

4 CSR 240-2.080(8)

(A) Any person filing a pleading or brief shall file one paper original and eight paper copies of the pleading or brief.

(B) An electronic copy of the pleading or brief as permitted elsewhere in these rules.

4 CSR 240-2.045

Any item or document otherwise required or permitted to be filed with the commission may be filed electronically by accessing the commission's Internet web site and following the instructions for electronic filing found there. (www.psc.mo.gov)

- ☒ Other: Because the complaint filed by Ms. Lula Fabyanic is a formal complaint in a docketed case, the response must be filed by a Missouri Attorney in pleading form. Also, the response should reference case number TC-2005-0174.

Requested or corrected information should be returned to:

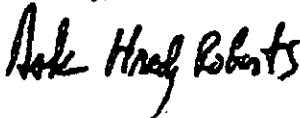
Missouri Public Service Commission
Secretary of the Commission c/o Data Center
P.O. Box 360
Jefferson City, MO 65102-0360.

Upon the discovery of a cause for rejection, our work on your documents was discontinued so that we could return these documents without delay. The list of deficiencies herein does not foreclose the possibility of other deficiencies. It is the sole responsibility of the filing party to ensure that documents submitted to the Commission meet the filing requirements of 4 CSR 240-2 and 4 CSR 240-3. These rules are readily available at <http://www.psc.state.mo.us/rules.asp>.

It is important to note that the Data Center performs the same function as the Circuit Clerk's office of the court. The Data Center has the authority to determine if a pleading appears to have satisfied the filing requirements of the Commission. Data Center employees cannot advise an applicant on matters concerning the practice of law.

Please contact the Deputy Secretary of the Commission, Kim Happy, at 573-751-7496 if you have questions regarding your returned documents.

Sincerely,



Dale Hardy Roberts, Chief Judge
Secretary of the Commission

Enclosure(s)

EXHIBIT C

Daniel C. Stewart, SBT #19206500
William L. Wallander, SBT #20780750
Richard H. London, SBT #24032678
VINSON & ELKINS L.L.P.
3700 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201-2975
Tel: 214-661-7299
Fax: 214-220-7716
VarTec@velaw.com

PROPOSED ATTORNEYS FOR THE DEBTORS

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION.**

IN RE:

**VARTEC TELECOM, INC., et al.,
DEBTORS.**

§
§
§
§
§
§
§

CASE NO. 04-81694-SAF-11

**(Chapter 11)
(Joint Administration Requested)**

**NOTICE OF FILING OF CHAPTER 11 BANKRUPTCY CASE
AND PROTECTIONS OF THE AUTOMATIC STAY**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

1. On November 1, 2004 (the "Petition Date"), the following entities (the "Debtors") each filed a voluntary petition for relief (collectively, the "Cases") under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"):

- VarTec Telecom, Inc.
- Excel Communications Marketing, Inc.
- Excel Management Service, Inc.
- Excel Products, Inc.
- Excel Telecommunications, Inc.
- Excel Telecommunications of Virginia, Inc.
- Excel Teleservices, Inc.

- Excelcom, Inc.
- Telco Communications Group, Inc.
- Telco Network Services, Inc.
- VarTec Business Trust
- VarTec Properties, Inc.
- VarTec Resource Services, Inc.
- VarTec Solutions, Inc.
- VarTec Telecom Holding Company
- VarTec Telecom International Holding Company
- VarTec Telecom of Virginia, Inc.

2. Pursuant to Bankruptcy Code § 362 and other applicable bankruptcy law, the filing of the Cases operates as an automatic stay – a fully enforceable federal law injunction - prohibiting all entities from, among other things:

- the setoff of any debt owing to any Debtor that arose before the Petition Date;
- the attempt to terminate an executory contract with any of the Debtors;
- the commencement or continuation of a judicial, administrative or other action or proceeding against any Debtor that was or could have been commenced before the Petition Date;
- the attempt to recover on any claim against any Debtor that arose before the Petition Date;
- the enforcement, against any Debtor or against property of the estate, of any judgment obtained before the Petition Date;
- any act to obtain possession of property of the estate or to exercise control over property of the estate;
- any act to create, perfect, or enforce any lien against property of the estate; or

- any act to collect, assess or recover a claim against any Debtor that arose before the Petition date.
3. Actions taken in violation of the automatic stay are void, and a violation of the automatic stay is contempt of court. Violation of the automatic stay can result in liability for damages and, in appropriate cases, punitive damages. The Debtors will enforce the rights and protections provided to them pursuant to the automatic stay of Bankruptcy Code § 362.

Respectfully submitted,

VINSON & ELKINS L.L.P.
2001 Ross Avenue
3700 Trammell Crow Center
Dallas, Texas 75201
Tel: 214-661-7299
Fax: 214-220-7716

By: /s/ Daniel C. Stewart (11/1/04)
Daniel C. Stewart, SBT #19206500
William L. Wallander, SBT #20780750
Richard H. London, SBT #24032678

**PROPOSED ATTORNEYS FOR
THE DEBTORS**

881567_3.DOC

FORM B1 United States Bankruptcy Court Northern District of Texas		Voluntary Petition																
Name of Debtor (if individual, enter Last, First, Middle): VARTEC TELECOM, INC.		Name of Joint Debtor (Spouse) (Last, First, Middle):																
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):																
Last four digits of Soc. Sec. No. / Complete EIN or other Tax ID. No. (if more than one, state all): 75-2280200		Last four digits of Soc. Sec. No. / Complete EIN or other Tax ID. No. (if more than one, state all):																
Street Address of Debtor (No. & Street, City, State & Zip Code): 1800 Viceroy Drive Dallas, TX 75235		Street Address of Joint Debtor (No. & Street, City, State & Zip Code):																
County of Residence or of the Principal Place of Business: Dallas County		County of Residence or of the Principal Place of Business:																
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):																
Location of Principal Assets of Business Debtor (if different from street address above):																		
Information Regarding the Debtor (Check the Applicable Boxes)																		
Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																		
Type of Debtor (Check all boxes that apply) <input type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank		Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding																
Nature of Debts (Check one box) <input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business		Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.																
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)																		
Statistical/Administrative Information (Estimates only) <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY																
Estimated Number of Creditors																		
Estimated Assets																		
Estimated Debts																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">1-15</td> <td style="text-align: center;">16-49</td> <td style="text-align: center;">50-99</td> <td style="text-align: center;">100-199</td> <td style="text-align: center;">200-499</td> <td style="text-align: center;">500-over</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		1-15	16-49	50-99	100-199	200-499	500-over	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
1-15	16-49	50-99	100-199	200-499	500-over													
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More than \$100 million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million											
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More than \$100 million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million											
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											

Voluntary Petition <i>(This page must be completed and filed in every case).</i>		Name of Debtor(s): VARTEC TELECOM, INC.	
Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)			
Location Where Filed: - None -		Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: See attached Schedule 1.		Case Number:	Date Filed:
District:		Relationship:	Judge:

Signatures	
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct. (If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7) I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Debtor</p> <p>X _____ Signature of Joint Debtor</p> <p>_____ Telephone Number (If not represented by attorney)</p> <p>_____ Date</p>	<p style="text-align: center;">Exhibit A</p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p> <hr/> <p style="text-align: center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that (he or she) may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.</p> <p>X _____ Signature of Attorney for Debtor(s) Date</p> <hr/> <p style="text-align: center;">Exhibit C</p> <p>Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety?</p> <p><input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No</p>
<p style="text-align: center;">Signature of Attorney</p> <p>X <u>/s/ Daniel C. Stewart, SBT #19206500</u> Signature of Attorney for Debtor(s) <u>Daniel C. Stewart, SBT #19206500</u> Printed Name of Attorney for Debtor(s) <u>Vinson & Elkins L.L.P.</u> Firm Name <u>3700 Trammell Crow Center</u> <u>2001 Ross Avenue</u> <u>Dallas, TX 75201-2975</u> Address <u>(214) 226-7700 Fax: (214) 220-7716</u> Telephone Number <u>October 31, 2004</u> Date</p>	<p style="text-align: center;">Signature of Non-Attorney Petition Preparer</p> <p>I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.</p> <p>_____ Printed Name of Bankruptcy Petition Preparer</p> <p>_____ Social Security Number (Required by 11 U.S.C. § 110(c).)</p> <p>_____ Address</p> <p>Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p>X _____ Signature of Bankruptcy Petition Preparer</p> <p>_____ Date</p> <p>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</p>

<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u>/s/ David G. Walsh</u> Signature of Authorized Individual <u>David G. Walsh</u> Printed Name of Authorized Individual <u>Chief Restructuring Officer</u> Title of Authorized Individual <u>October 31, 2004</u> Date</p>	<p>_____ Signature of Bankruptcy Petition Preparer</p> <p>_____ Date</p>
---	--

**SCHEDULE 1
TO
VOLUNTARY PETITION**

The following affiliated entities (collectively, the "Debtors") will be filing, or have filed, voluntary petitions on November 1, 2004:

Name of Debtor	Case Number	Date Filed	District	Relationship to Other Debtors	Judge
VarTec Telecom, Inc.		11/1/04	Northern District of Texas	Affiliate	
Excel Communications Marketing, Inc.		11/1/04	Northern District of Texas	Affiliate	
Excel Management Service, Inc.		11/1/04	Northern District of Texas	Affiliate	
Excel Products, Inc.		11/1/04	Northern District of Texas	Affiliate	
Excel Telecommunications, Inc.		11/1/04	Northern District of Texas	Affiliate	
Excel Telecommunications of Virginia, Inc.		11/1/04	Northern District of Texas	Affiliate	
Excel Teleservices, Inc.		11/1/04	Northern District of Texas	Affiliate	
Excelcom, Inc.		11/1/04	Northern District of Texas	Affiliate	
Telco Communications Group, Inc.		11/1/04	Northern District of Texas	Affiliate	
Telco Network Services, Inc.		11/1/04	Northern District of Texas	Affiliate	
VarTec Business Trust		11/1/04	Northern District of Texas	Affiliate	
VarTec Properties, Inc.		11/1/04	Northern District of Texas	Affiliate	
VarTec Resource Services, Inc.		11/1/04	Northern District of Texas	Affiliate	
VarTec Solutions, Inc.		11/1/04	Northern District of Texas	Affiliate	
VarTec Telecom Holding Company		11/1/04	Northern District of Texas	Affiliate	
VarTec Telecom International Holding Company		11/1/04	Northern District of Texas	Affiliate	
VarTec Telecom of Virginia, Inc.		11/1/04	Northern District of Texas	Affiliate	

Excel 1000