

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

WINDSTREAM HOLDINGS, INC. et al.,

**Chapter 11**  
**Case No. 19-22312 (RDD)**

Debtors.  
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**MOTION FOR PAYMENT OF AN ADMINISTRATIVE EXPENSE CLAIM**  
**PURSUANT TO 11 U.S.C. §503 (b) (1) (A)**

99 Washington Avenue, LLC and One Commerce Plaza, LLC, as tenants in common, through their property management company Carrow Real Estate Services, LLC, respectfully file this request for payment of an administrative expense claims pursuant to 11 U.S.C. §503 (b) (1) (A) and, in support of their claim, states as follows:

1. 99 Washington Avenue, LLC and One Commerce Plaza, LLC, as tenants in common, are the owners of a large commercial office building located at 99 Washington Avenue, Albany, New York (the “Landlord” and “Building”).

2. Debtors Paetec Communications, LLC and MPX, Inc. (the “Tenants”) are tenants and licensees under various lease and license agreements as amended from time to time concerning office space and roof space (for antennae) at the Building. The lease and license agreements and their amendments are voluminous and, as a result, are not attached hereto.

Copies will be provided upon request.

3. Both Tenants are in arrears on their lease and license agreement obligations.

4. Attached hereto as Exhibit “A” is a recap of overdue post-petition common charges due from Paetec Communications, LLC, totaling \$3,508.65.



5. Attached hereto as Exhibit “B” is a recap of overdue post-petition charges due from MPX, Inc. related to antennae placement, totaling \$10,500.00.

6. The overdue charges relate to “the actual, necessary costs and expenses of preserving the estate” because the Debtors’ occupancy at Landlord’s Building and use of its facilities, including roof space, allows the Debtors to continue their businesses for the benefit of the estate and its creditors. As such they should be allowed and paid as an administrative expense pursuant to Code § 503 (b) (1) (A).

WHEREFORE, it is respectfully requested that 99 Washington Avenue, LLC and One Commerce Plaza, LLC, as tenants in common, be allowed administrative expense claims as set forth above and for all other post-petition charges that may accrue subsequent to the date of this motion and that they be allowed such other and further relief as is just, necessary and proper.

Dated: October 20, 2020

Respectfully submitted,

/s/Paul A. Levine

Paul A. Levine, Esq.

LEMERY GREISLER LLC

Attorneys for 99 Washington Avenue, LLC  
and One Commerce Plaza, LLC,  
as tenants in common

50 Beaver Street

Albany, New York 12207

(518) 433-8800

[plevine@lemerygreisler.com](mailto:plevine@lemerygreisler.com)

# **EXHIBIT "A"**

**Detailed Aged Receivable**

Cut-off Date: 10-31-2020

Based Upon: Accounting Date

Property: 99WASH 99 WASHINGTON LLC

Unit	Charge Date	Charge Type	Description	Current Balance	Future Activity	Current 0-30 Days	Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days
<b>Tenant: PAETEC WINDSTREAM COMMUNICATIONS,INC.</b>										
<b>Lease: PAETEC(99)(0)</b>				Last Payment Date:	10-01-2020	Check No.:	Amount:	20,105.97		
0110	05-31-2016	PTRO	PROPERTY TAX RECOVERY - OFFICE	752.04						752.04
	07-07-2016		Open Credit	16,762.58-						16,762.58-
	11-23-2016	ELECTRIC	ELECTRIC-OFFICE REIMBURSEMENT	9,053.58						9,053.58
	03-28-2017		Open Credit	23.40-						23.40-
	04-25-2017		Open Credit	23.40-						23.40-
	05-26-2017		Open Credit	23.40-						23.40-
	06-29-2017		Open Credit	23.40-						23.40-
	07-27-2017		Open Credit	23.40-						23.40-
	08-31-2017		Open Credit	23.40-						23.40-
	09-28-2017		Open Credit	23.40-						23.40-
	10-30-2017		Open Credit	23.40-						23.40-
	12-01-2017		Open Credit	23.40-						23.40-
	01-08-2018		Open Credit	23.40-						23.40-
	02-14-2018		Open Credit	23.40-						23.40-
	02-28-2018	PTAX	PROPERTY TAX RECOVERY - OFFICE	154.03						154.03
	03-28-2018		Open Credit	46.80-						46.80-
	04-20-2018	ELECTRIC	ELEC 08/27/17-09/25/17	489.69						489.69
	04-21-2018	ELECTRIC	ELEC 09/25/17-10/25/17	412.76						412.76
	04-22-2018	ELECTRIC	ELEC 10/25/17-11/27/17	523.14						523.14
	04-23-2018	ELECTRIC	ELEC 11/27/17-12/26/17	564.95						564.95
	04-24-2018	ELECTRIC	ELEC 12/26/17-01/25/18	525.92						525.92
	04-25-2018	ELECTRIC	ELEC 01/25/18-02/25/18	471.32						471.32
	04-26-2018	ELECTRIC	ELEC 02/25/18-03/26/18	527.44						527.44
	04-27-2018		Open Credit	23.40-						23.40-
	06-06-2018		Open Credit	23.40-						23.40-
	07-05-2018		Open Credit	23.40-						23.40-
	08-09-2018		Open Credit	23.40-						23.40-
	09-04-2018		Open Credit	23.40-						23.40-
	10-25-2018		Open Credit	23.40-						23.40-
	10-29-2018	ELECTRIC	ELEC 08/23/18-09/25/18	439.44						439.44
	11-05-2018		Open Credit	23.40-						23.40-
	11-25-2018	ELECTRIC	ELEC 03/26/18-04/25/18	500.11						500.11
	11-26-2018	ELECTRIC	ELEC 04/25/18-05/28/18	1,125.98						1,125.98
	11-27-2018	ELECTRIC	ELEC 05/28/18-06/26/18	508.24						508.24
	11-28-2018	ELECTRIC	ELEC 06/26/18-07/26/18	554.53						554.53
	11-29-2018		Open Credit	23.40-						23.40-
	11-29-2018	ELECTRIC	ELEC 07/26/18-08/23/18	480.82						480.82
	11-30-2018	ELECTRIC	ELEC 09/25/18-10/24/18	564.97						564.97
	12-11-2018	ELECTRIC	ELEC 10/24/18-11/26/18	468.11						468.11
	01-15-2019		Open Credit	123.40-						123.40-
	02-05-2019		Open Credit	123.40-						123.40-
	03-13-2019	ELECTRIC	ELEC 11/26-12/26	470.91						470.91
	03-14-2019	ELECTRIC	ELEC 12/26/18-01/27/19	723.94						723.94
	03-15-2019	ELECTRIC	ELEC 01/27/19-02/25/19	389.52						389.52
	03-21-2019		Open Credit	323.40-						323.40-
	04-30-2019	ELECTRIC	ELEC 02/25/19-03/26/19	417.76						417.76
	05-01-2019		Open Credit	323.40-						323.40-
	05-17-2019		Open Credit	323.40-						323.40-
	05-30-2019	ELECTRIC	ELEC 03/26/19-04/25/19	489.91						489.91
	06-12-2019		Open Credit	323.40-						323.40-
	06-24-2019	ELECTRIC	ELEC 04/25/19-05/28/19	411.06						411.06
	07-11-2019	ELECTRIC	ELEC 05/28/19-06/25/19	415.57						415.57
	07-16-2019		Open Credit	323.40-						323.40-

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**Detailed Aged Receivable**

**Cut-off Date:** 10-31-2020

**Based Upon:** Accounting Date

**Property:** 99WASH 99 WASHINGTON LLC

<u>Unit</u>	<u>Charge Date</u>	<u>Charge Type</u>	<u>Description</u>	<u>Current Balance</u>	<u>Future Activity</u>	<u>Current 0-30 Days</u>	<u>Over 30 Days</u>	<u>Over 60 Days</u>	<u>Over 90 Days</u>	<u>Over 120 Days</u>
<b>Tenant: PAETEC WINDSTREAM COMMUNICATIONS,INC.</b>										
<b>Lease: PAETEC(99)(0)</b>										
0110	08-13-2019		Open Credit	323.40-						323.40-
	08-21-2019	ELECTRIC	ELEC 06/25/19-07/28/19	501.23						501.23
	09-27-2019		Open Credit	323.40-						323.40-
	09-30-2019	ELECTRIC	ELEC 07/28/19-08/27/19	432.22						432.22
	10-08-2019		Open Credit	523.40-						523.40-
	10-15-2019	ELECTRIC	ELEC 08/27/19-09/25/19	467.01						467.01
	11-13-2019		Open Credit	523.40-						523.40-
	11-30-2019	ELECTRIC	ELEC 09/25/19-10/24/19	493.20						493.20
	12-11-2019		Open Credit	523.40-						523.40-
	12-31-2019	ELECTRIC	ELEC 10/24/19-11/24/19	429.96						429.96
	12-31-2019	SCHTXESC	2019-2020 SCHOOL TAX RECOVERY	1,311.07-						1,311.07-
	01-30-2020		Open Credit	523.40-						523.40-
	01-31-2020	ELECTRIC	ELEC 11/24/19-12/26/19	429.81						429.81
	02-05-2020		Open Credit	523.40-						523.40-
	02-10-2020	ELECTRIC	ELEC 12/26/19-01/27/20	503.75						503.75
	03-09-2020		Open Credit	523.40-						523.40-
	03-18-2020	ELECTRIC	ELEC 01/27/20-02/25/20	430.65						430.65
	04-21-2020	ELECTRIC	ELEC 02/25/20-03/26/20	444.18						444.18
	05-26-2020	ELECTRIC	ELEC 03/26/20-04/27/20	481.62						481.62
	06-16-2020	ELECTRIC	ELEC 04/27/20-05/26/20	529.27						529.27
	07-13-2020	ELECTRIC	ELEC 05/26/20-06/25/20	314.12					314.12	
	08-24-2020	ELECTRIC	ELEC 06/25/20-07/27/20	450.28				450.28		
	09-21-2020	ELECTRIC	ELEC 07/27/20-08/25/20	381.66			381.66			
			<b>Unit 0110 Totals:</b>	<u>3,508.65</u>	<u>.00</u>	<u>.00</u>	<u>381.66</u>	<u>450.28</u>	<u>314.12</u>	<u>2,362.59</u>
			<b>Lease PAETEC(99)(0) Totals:</b>	<u>3,508.65</u>	<u>.00</u>	<u>.00</u>	<u>381.66</u>	<u>450.28</u>	<u>314.12</u>	<u>2,362.59</u>
			<b>Tenant PAETEC Totals:</b>	<u>3,508.65</u>	<u>.00</u>	<u>.00</u>	<u>381.66</u>	<u>450.28</u>	<u>314.12</u>	<u>2,362.59</u>
			<b>Property 99WASH Totals:</b>	<u>3,508.65</u>	<u>.00</u>	<u>.00</u>	<u>381.66</u>	<u>450.28</u>	<u>314.12</u>	<u>2,362.59</u>

**EXHIBIT "B"**

