### UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

#### SECURITIES EXCHANGE ACT OF 1934 Release No. 65490 / October 6, 2011

## ADMINISTRATIVE PROCEEDING File No. 3-12868

In the Matter of

PacketPort.com, Inc., Ronald Durando, MicrophaseCorp., Robert H. Jaffe, Gustave Dotoli, M. Christopher Agarwal, and Theodore Kunzog

**Respondents.** 

### NOTICE OF PROPOSED PLAN OF DISTRIBUTION AND OPPORTUNITY FOR COMMENT

Notice is hereby given, pursuant to Rule 1103 of the Securities and Exchange Commission's ("Commission") Rules on Fair Fund and Disgorgement Plans, 17 C.F.R. §201.1103, that the Division of Enforcement has filed with the Commission the proposed plan ("Distribution Plan") for the distribution of monies in this matter. On October 18, 2007, the Commission issued an Order Instituting Cease and Desist Proceedings, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order Pursuant to Section 8A of the Securities Act of 1933 and Section 21C of the Securities Exchange Act of 1934 against PacketPort.com, Inc., Ronald Durando, Microphase Corp., Robert H. Jaffe, Gustave Dotoli, M. Christopher Agarwal, and Theodore Kunzog (collectively "Respondents") for violating the registration, disclosure, and anti-touting provisions of the federal securities laws in this matter (Securities Act Rel. No. 8858).

### **OPPORTUNITY FOR COMMENT**

Pursuant to this Notice, all interested parties are advised that they may obtain a copy of the Distribution Plan from the Commission's public website, <u>http://www.sec.gov</u>, or by submitting a written request to Nichola L. Timmons, Assistant Chief Litigation Counsel, United States Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-5631. Further, all persons desiring to comment on the Distribution Plan may submit their comments, in writing, within 30 days of the date of this Notice:

- 1. to the Office of the Secretary, United States Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090;
- 2. by using the Commission's <u>Internet comment form</u> (<u>http://www.sec.gov/litigation/admin.shtml</u>); or
- 3. by sending an e-mail to <u>rule-comments@sec.gov</u>.

Comments submitted by e-mail or via the Commission's website should include "Administrative Proceeding File Number 3-12868" in the subject line. Comments received will be available to the public. Persons should only submit information that they wish to make publicly available.

# THE DISTRIBUTION PLAN

The Distribution Plan provides for distribution of \$1,075,000.00 in disgorgement paid by Respondents, plus any accumulated interest, less fees, expenses and any federal, state, or local taxes on the interest. The proposed distribution plan will allocate monies on a pro rata basis to investors who purchased shares of PacketPort.com stock from December 13, 1999 through April 11, 2000 and who incurred more than de minimis losses as calculated by the Fund Administrator.

By the Commission.

Elizabeth M. Murphy Secretary