

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

| | | |
|-----------------------------|---|--------------------------|
| In the Matter of Jeffery L. |) | Application No. NUSF-44/ |
| Pursley, Director of the |) | DC-69 |
| Universal Service Fund |) | |
| Department of the Nebraska |) | |
| Public Service Commission, |) | |
| |) | |
| Complainant, |) | MOTION TO STAY DENIED |
| |) | |
| v. |) | |
| |) | |
| AT&T Communications of the |) | |
| Midwest, Inc., |) | |
| |) | |
| Defendant. |) | Entered: July 27, 2005 |

BY THE HEARING OFFICER:

By Motion for Stay filed June 17, 2005, AT&T Communications of the Midwest, Inc., (AT&T) requests the Commission to abate the complaint proceedings established in the above-captioned docket pending resolution of AT&T's proceedings against the FCC in the D.C. Circuit Court. AT&T argues that the outcome of its appeal of the FCC decision, rendering AT&T's pre-paid calling card platform as telecommunications services, will determine the issue and merits of this complaint conclusively.

Upon consideration of this matter, the Hearing Officer is of the opinion and finds that the complaint proceeding should not be stayed at this time pending resolution of the AT&T's appeal of the FCC decision in the D.C. Circuit Court. Accordingly, the Motion to Stay is denied.

O R D E R

IT IS THEREFORE ORDERD by the Hearing Officer that the Motion to Stay filed in the above-captioned matter be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska this 27th day of July 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

By: _____
Hearing Officer