

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Qwest Communications Company,) Application No. FC-1339
LLC, AT&T Communications of)
the Midwest, Inc., and TCG)
Omaha, Complainants v. Cox) ORDER STAYING PROCEEDING
Nebraska Telecom, LLC,)
Respondent.) Entered: October 15, 2009

BY THE HEARING OFFICER:

On September 14, 2009, Qwest Communications Company, LLC ("QCC") and AT&T Communications of the Midwest, Inc. and TCG Omaha ("AT&T") (collectively the "Complainants") filed a Formal Complaint and Application for Review of Charges against Cox Nebraska Telecom, LLC ("Cox"). Notice of the docket was published in The Daily Record, Omaha, Nebraska, on September 16, 2009.

On October 5, 2009, Cox filed its Answer and Affirmative Defenses to Formal Complaint and a Motion to Dismiss the above-captioned proceeding. Both parties requested oral arguments on the motions. A Hearing Officer order was entered on October 15, 2009, scheduling oral arguments on Cox's Motion to Dismiss for November 19, 2009. On October 30, 2009, Qwest and AT&T filed a Joint Response to Cox's Motion to Dismiss.

On October 15, 2009, the Hearing Officer entered an order granting a Petition for Formal Intervention by MCI Communications Services, Inc. d/b/a Verizon Business Services ("Verizon"). On October 26, 2009, the Hearing Officer granted the Petition for Informal Intervention filed by the Rural Independent Companies ("RIC")¹.

On November 16, 2009, a Joint Motion to Stay the above-captioned proceeding was filed by AT&T, Qwest, and Cox, with the knowledge and consent of Verizon. The parties request the stay of the current proceeding in light of the Commission's Order issued on November 3, 2009, in Application No. C-4145/NUSF-74/PI-147, the Commission's investigatory docket exploring

¹ RIC is comprised of: Arlington Telephone Company, Blair Telephone Company, Cambridge Telephone Company, Clarks Telecommunications Co., Consolidated Telephone Company, Consolidated Telco Inc., Consolidated Telcom, Inc., Curtis Telephone Company, Eastern Nebraska Telephone Company, Great Plains Communications, Inc., Hartington Telecommunications Co., Inc, Hershey Cooperative Telephone Company, K&M Telephone Company, Inc., Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Rock County Telephone Company, Stanton Telecom, Inc., and Three River Telco.

intrastate access rate policies and procedures.² The parties maintain that the Commission's findings in the C-4145 proceeding could directly impact the outcome of the issues raised in the above-captioned proceeding, and therefore, requests a stay of the above-captioned proceeding, including the oral arguments scheduled for November 19, 2009, pending the outcome of the C-4145 investigation.

The Hearing Officer finds that oral arguments on the Motion to Dismiss scheduled for November 19, 2009, should be continued to a date to be determined later and the above-captioned proceeding stayed pending the outcome of Application No. C-4145/NUSF-74/PI-147.

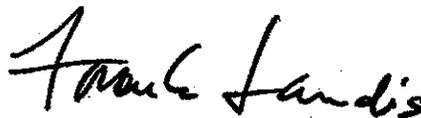
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that oral arguments on Cox Nebraska Telecom, LLC's Motion to Dismiss, previously scheduled for November 19, 2009, be, and are hereby, continued to a date to be determined later.

IT IS FURTHER ORDERED that the proceedings in the above-captioned matter be, and it is hereby, stayed pending the outcome in Application No. C-4145/NUSF-74/PI-147.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of November, 2009.

BY:



Frank E. Landis
HEARING OFFICER

² See Application No. C-4145/NUSF-74/PI-147, *In the Matter of the Nebraska Public Service Commission on its own motion to conduct an investigation on intrastate switched access charge policies and regulation codified in Neb. Rev. Stat. section 86-140*. Order Issuing Proposed Order and Notice of Hearing, (November 5, 2009).