BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Chase 3000 Inc., Imperial; Skybeam, Scottsbluff; McCookNet Internet Service, McCook; AxtellTech, Axtell; and Facspro Infotech Consulting, LLC Brady for Commission rulemaking.	)	Application No. C-3233/PI-84 MOTION TO STAY DENIED Entered: August 5, 2004

BY THE HEARING OFFICER:

By Motion for Stay filed July 26, 2004, the Nebraska Telecommunications Association (NTA) requests the Commission to abate the comment cycle established in the above-captioned docket pending resolution of said movant's Petition for Declaratory Ruling. The NTA argues that the Commission should dispose of the jurisdictional question presented by the NTA prior to receiving comments. The NTA argues in its Petition for Declaratory Ruling that the Commission lacks the jurisdiction to either conduct a rulemaking proceeding or engage in an investigation of any incumbent local exchange carrier's non-regulated affiliates. Upon consideration of this matter, the Hearing Officer is of the opinion and finds that the comment cycle should not be stayed pending resolution of the Petition for Declaratory Ruling. Accordingly, the Motion to Stay is denied. The interested parties should address the jurisdictional question in their comments to the Commission. The Commission will separately consider the Petition for Declaratory Ruling after initial comments have been filed.

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 5th day of August 2004.

By: Gerald L. Vap
Hearing Officer

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