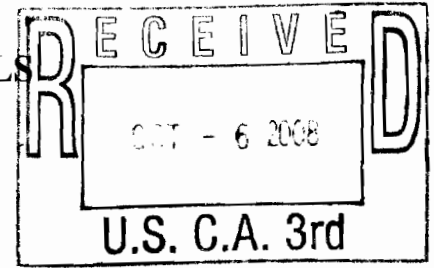


**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**




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AT&T INC., )  
 )  
 ) **Petitioner,** )  
 )  
 ) **v.** )  
 )  
**FEDERAL COMMUNICATIONS COMMISSION** )  
**and UNITED STATES OF AMERICA,** )  
 )  
**Respondents.** )

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**No. 08-4024**

**RESPONDENT FEDERAL COMMUNICATIONS COMMISSION'S  
RESPONSE TO AT&T'S MOTION FOR STAY**

The Federal Communications Commission (“FCC” or “Commission”) respectfully responds to the September 26, 2008 “Motion of AT&T Inc. for Stay Pending Judicial Review” (“Motion for Stay”). For the reasons set forth below, it is unnecessary for this Court to address AT&T’s Motion for Stay.

On September 12, 2008, the Commission issued an Order<sup>1</sup> directing its Enforcement Bureau to release agency records requested by trade association CompTel under the Freedom of Information Act, 5 U.S.C. § 552, *as amended*. On September 26, 2008, AT&T filed its Petition for Review of

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<sup>1</sup> Memorandum Opinion and Order, *SBC Communications Inc. On Request for Confidential Treatment*, FCC 08-207 (rel. Sept. 12, 2008). See Attachment A to Petition for Review.

that Order, and moved to stay the Commission's Order pending judicial review. The Commission has subsequently entered into an agreement with AT&T under which the Commission will not release the records at issue until a mandate issues from a decision of this Court in the above-captioned proceeding affirming the Commission's Order in whole or in part, or until the instant proceeding is otherwise resolved. AT&T has agreed to withdraw its Motion to Stay within one business day following the Commission's filing of this Response. In light of the foregoing, it is unnecessary for the Court to address AT&T's Motion for Stay.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew Berry".

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October 3, 2008

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

AT&T Inc., Petitioner,

v.

Federal Communications Commission and USA, Respondents.

Certificate Of Service

I, Sharon D. Freeman, hereby certify that the foregoing "Respondents Federal Communications Commission's Response To AT&T's Motion For Stay" was served this 3rd day of October, 2008, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

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