

October 24, 2003

Nextel Partners Operating Corp.
and NPCR, Inc.
d/b/a Nextel Partners

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03-0487

Application for Certificates of Service
Authority to Operate as Providers of CMRS
Telecommunications Services in the State
of Illinois.

SERVED ELECTRONICALLY

NOTICE OF ADMINISTRATIVE LAW JUDGE'S RULING

TO ALL PARTIES OF INTEREST:

Notice is hereby given that all petitions for leave to intervene in this docket are granted by the Administrative Law Judge, limited solely to the issue of whether the Applicant has the appropriate license(s) from the FCC as required by Section 13-401 of the Public Utilities Act (220 ILCS 5/13-401).

Notice is also given that the Motion to Consolidate filed on August 15, 2003 by the Illinois Independent Telephone Association is denied by the Administrative Law Judge. The Motion to Consolidate requested that the present docket be joined with Docket 03-0312. The Commission's Rules of Practice, 83 Ill. Adm. Code 200.600 allow consolidation if the dockets involve a similar question of law or fact and where rights of the parties will not be prejudiced. These two proceedings do not present similar questions of law or fact and thus does not comply with Section 200.600.

Notice is further given that the Motion to Dismiss filed on August 19, 2003, by Viola Home Telephone Company, Woodhull Community Telephone Company, New Windsor Telephone Company, Oneida Telephone Exchange, Montrose Mutual Telephone Company, Glasford Telephone Company, and the Crossville Telephone Company is denied by the Administrative Law Judge.

Notice is further given that Staff's recommendation that the application be stricken without prejudice to Applicant's or in the alternative Applicants should be allowed to supplement its pleading to correct its deficiencies is granted in part. The Applicants are directed to supplement the pleadings to demonstrate the applicability of Section 13-401 to the entities for which the application seeks Commission certification; whether or not the Applicants are permitted by the FCC to provide wireless telecommunications service under licenses held by related companies; whether the Applicants are operating in compliance with FCC rules; and an indication of which entity controls, operates, or manages the plants, equipment, or property that is devoted to public use.

Sincerely,

Elizabeth A. Rolando
Chief Clerk

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