

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

<b>In the Matter of the Petition of</b>	)	
	)	
<b>USCOC of Illinois RSA #1, LLC</b>	)	
<b>USCOC of Illinois RSA #4, LLC</b>	)	<b>Docket No. 04-0653</b>
<b>USCOC of Rockford, LLC</b>	)	
<b>USCOC of Central Illinois, LLC</b>	)	
	)	
<b>For Designation as an Eligible</b>	)	
<b>Telecommunications Carrier</b>	)	
<b>Under 47 U.S.C. § 214(e)(2)</b>	)	

**MOTION TO REOPEN RECORD**

USCOC of Illinois RSA #1, LLC, USCOC of Illinois RSA #4, LLC, USCOC of Rockford, LLC, and USCOC of Central Illinois, LLC (collectively, “U.S. Cellular”), by its counsel, hereby moves the Illinois Commerce Commission (“Commission”), pursuant to Section 200.190 of the Commission’s Rules of Practice (83 Ill. Adm. Code 200.190), to reopen the record in the above-captioned proceeding for the limited purpose of correcting the direct and rebuttal testimony of U.S. Cellular witness Conrad J. Hunter.

In support of this Motion, the following is respectfully stated:

**I. The Description of the Local Calling Areas Available on Some Plans Contained in Mr. Hunter’s Direct and Rebuttal Testimony Are Inconsistent With the Company’s Rate Plans Submitted in Discovery.**

In both his direct and rebuttal testimony, Mr. Hunter described the local calling area associated with some of U.S. Cellular’s Illinois rate plans. Specifically, Mr. Hunter stated that some of the U.S. Cellular rate plans offer a local calling area consisting of the majority of Illinois and large portions of Indiana, Iowa, Missouri and Wisconsin. In fact, all of U.S. Cellular’s Illinois rate plans offer a local calling area consisting of the entire contiguous United States. As described in greater detail below, a brochure U.S. Cellular provided in response to an IITA data

request, properly notes that the anytime minutes available on all of the company's rates include nationwide long distance. The rate plans attached to Mr. Hunter's rebuttal testimony do not contain this information.

At the outset, it is necessary to describe the difference between *local calling area* and *local calling scope*. Local calling area refers to the geographic area within which a U.S. Cellular customer can terminate calls without incurring per-minute long-distance toll charges. Local calling scope, on the other hand, refers to the wireless customer's "home area" within which calls may be initiated without incurring per-minute roaming charges. U.S. Cellular's Illinois rate plans offer three different local calling scopes, Local, Regional and Span-America. However, the local calling area, the area within which calls can be placed without incurring long-distance toll charges, is the contiguous United States for all of U.S. Cellular's rate plans.

U.S. Cellular requests the ALJ reopen the record for the limited purpose of making the following corrections in Mr. Hunter's Direct and Rebuttal testimonies:

- Hunter Direct Testimony, Page 5, lines 101-103:

"For U.S. Cellular's lowest-priced plans, the local calling area covers not only the majority of the state of Illinois, but large portions of Indiana, Iowa, Missouri, and Wisconsin as well."

Change to:

"For all of U.S. Cellular's rate plans, the area within which a call can be placed without incurring long distance charges (the "local calling area") is the contiguous United States."

- Hunter Direct Testimony, Page 6, lines 113-116:

"Our customers may also choose from a variety of rate plans including local plans and regional plans offering local calling throughout an area consisting of Illinois, Wisconsin, Iowa, Indiana, and Missouri, and eastern Nebraska or a national plan offering toll-free calling throughout the contiguous United States."

Change to:

“Our customers may also choose from a variety of rate plans including local plans described above, regional plans offering a local calling scope (i.e, the area within which a phone can be moved without incurring roaming charges) throughout an area consisting of Illinois, Wisconsin, Iowa, Indiana, and Missouri, and eastern Nebraska, or a national plan offering a local calling scope consisting of the contiguous United States.”

- Hunter Rebuttal Testimony, Page 3-4, lines 68-71:

“This plan offers 125 anytime minutes and unlimited minutes on incoming calls received while in the home area, with a home calling area that includes every phone (wireline or wireless) within our entire network footprint in Illinois, Nebraska, Oklahoma, Indiana, Iowa, Missouri, and Wisconsin.”

Change to:

“This plan offers 125 anytime minutes and unlimited minutes on incoming calls received while in the home area, with a local calling scope that includes every our entire network footprint in Illinois, Nebraska, Oklahoma, Indiana, Iowa, Missouri, and Wisconsin. The local calling area is the contiguous U.S.”

- Hunter Rebuttal Testimony, Page 4, lines 72-73:

“We have several other rate plans which offer customers a variety of local calling areas and rates to fit their needs and means.”

Change to:

“We have several other rate plans which offer customers a variety of local calling scopes and rates to fit their needs and means.”

- Hunter Rebuttal Testimony, Page 4, lines 75-77:

“Our \$49.95 per month “Mw Natl 800” rate plan includes 800 anytime minutes, and a local calling area consisting of the contiguous United States (that is, no long distance charges to any phone in the country).”

Change to:

“Our \$49.95 per month “Mw Natl 800” rate plan includes 800 anytime minutes, and a local calling scope consisting of the contiguous United States.”

- Hunter Rebuttal Testimony, Page 25, lines 558-560:

“Today, Illinois consumers can select a local calling area that is local, regional, throughout the state, throughout multiple states, or throughout the continental US, depending upon their calling patterns and needs.”

Change to:

“Today, Illinois consumers can select a local calling scope that is local, regional, throughout the state, throughout multiple states, or throughout the continental US, depending upon their calling patterns and needs.”

Attached hereto as Exhibits 1 and 2 are corrected versions of Mr. Hunter’s direct and rebuttal testimony, with the requested changes indicated in underline and strikethrough format.

**II. The Requested Corrections Are Necessary to Reconcile Mr. Hunter’s Testimony and Other Information U.S. Cellular and Other Parties Have Already Introduced Into the Record.**

By these corrections, U.S. Cellular does not propose to introduce new evidence into the record. U.S. Cellular and other Parties have each proffered evidence in this proceeding that sets forth the correct local calling area information with respect to its rate plans in Illinois. U.S. Cellular seeks to make the proposed corrections merely to bring Mr. Hunter’s testimony into conformity with the evidence it has introduced in this proceeding.

Specifically, U.S. Cellular provided as Appendix D to its responses to IITA’s First Set of Data Requests, a brochure describing its promotional rate plans offered in Illinois. *See*, USCC Ex. 10. The brochure was provided in response to Request No. 1.17. The second page of the exhibit sets forth a number of rate plans grouped under the headings: Local Plans, Regional

Plans, and SpanAmerica Plans. Near the top of the page, the following statement appears: “All plans include Nationwide Long Distance.” Next to each grouping of plans is a map displaying the local calling scope associated with Local, Regional, and SpanAmerica Plans.<sup>1</sup> The local calling scope for the Local Plans is shown to be a multi-state area consisting of U.S. Cellular’s licensed service area in Illinois and portions of Indiana, Iowa, Missouri, and Wisconsin. The local calling scope for the Regional Plans is shown to be the entirety of Illinois, Indiana, Iowa, Missouri, Nebraska, and Wisconsin. The local calling scope for the SpanAmerica Plans is shown to be the contiguous United States. Thus, the brochure accurately reflects the fact that while local calling scopes vary, the local calling area for all plans is the entire contiguous United States.

IITA has also introduced evidence into the record showing a nationwide local calling area for all of U.S. Cellular’s Illinois rate plans. Specifically, the brochure U.S. Cellular provided in response to IITA Data Request 1.17 was also attached as Attachment 1.4 to the direct prefiled testimony of IITA witness Robert C. Schoonmaker. Another brochure, obtained independently by Mr. Schoonmaker and attached to his direct testimony as Attachment 1.5, also shows the contiguous United States as the local calling area for all rate plans.

Finally, Staff witness Mark A. Hanson provided as Attachment 1 to his direct testimony a description of U.S. Cellular local rate plans indicating that the local plans included nationwide long distance.

Accordingly, the corrections listed in Section (I) above do not seek to add new facts or data into the record; rather, the corrections are needed in order to make the testimony consistent with the evidence U.S. Cellular and IITA have already placed into the record.

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<sup>1</sup> We note that the local calling scope of the Local Plans is labeled on the brochure as “local calling area.” However, the use of the term to refer to local calling scope is a matter of marketing terminology and is not relevant here.

**III. No Party Will Be Prejudiced by Accepting These Changes to Mr. Hunter's Testimony.**

The underlying facts concerning U.S. Cellular's rate plans have not changed. By reopening the record and accepting these corrections, the Commission will ensure that it decides the case on an accurate record, free from unnecessary confusion. The Intervenors' have no legitimate interest in having this case decided on a record that contains incorrect testimony and they will not be prejudiced by having the record clarified. In addition, accurate local calling area information was provided by U.S. Cellular in response to the Intervenors' data requests, and this information was subsequently used by the Intervenors' witness in his prefiled testimony. Staff witness Hanson also introduced rate plan information showing a nationwide local calling area for U.S. Cellular's local rate plans and discussed these rate plans in his prefiled testimony. Accordingly, there can be no possibility of surprise, and no party will be prejudiced by the correction proposed herein.

If the record is not clarified, U.S. Cellular can make its case. However, the ultimate Commission decision may inaccurately describe what consumers can expect to receive from U.S. Cellular's service. Although U.S. Cellular would be prejudiced by any delay in moving this proceeding forward, it will not object to a short extension of the briefing schedule to permit Intervenors to rework their briefs on the issues relating to U.S. Cellular's rates.

**IV. Conclusion**

U.S. Cellular respectfully requests the ALJ to reopen the record and permit corrections to Mr. Hunter's testimony as set forth above.

Respectfully submitted,

USCOC of Illinois RSA #1, LLC  
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**STATE OF ILLINOIS**

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**NOTICE OF FILING**

**TO: SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that on this date we have filed via e-Docket with the Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, the Motion to Reopen Record of USCOC of Illinois RSA #1, LLC; USCOC of Illinois RSA #4, LLC; USCOC of Rockford, LLC; and USCOC of Central Illinois, LLC (collectively “U.S. Cellular”) in the above captioned matter.

USCOC OF ILLINOIS RSA # 1, LLC  
USCOC OF ILLINOIS RSA # 4, LLC  
USCOC OF ROCKFORD, LLC  
USCOC OF CENTRAL ILLINOIS, LLC

By: \_\_\_\_\_  
One of Its Attorneys

October 12, 2005

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**CERTIFICATE OF SERVICE**

I, G. Darryl Reed, an attorney, certify that I caused copies of the Motion to Reopen Record of USCOC of Illinois RSA #1, LLC; USCOC of Illinois RSA #4, LLC; USCOC of Rockford, LLC; and USCOC of Central Illinois, LLC (collectively “U.S. Cellular”) to be served on each of the parties listed on the service list by e-mail this 12<sup>th</sup> day of October, 2005.

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