

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

**New Cingular Wireless, PCS, LLC;** :  
**Southwestern Bell Mobile Systems, LLC;** :  
**AT&T Wireless PCS, LLC; Telecorp** :  
**Holding Corp. II d/b/a AT&T Wireless IV;** :  
**Telecorp PCS, LLC d/b/a AT&T Wireless III** :  
: :  
: **06-0372**  
**Application of New Cingular Wireless, PCS,** :  
**LLC for a Certificate of Service Authority to** :  
**provide Domestic Public Cellular Radio** :  
**Telecommunications Services within** :  
**various portions of Illinois and for other** :  
**relief and Application of other Joint** :  
**Applicants to cancel Existing Certificates** :  
**of Service Authority and for any other** :  
**appropriate relief.** :

ORDER

By the Commission:

On May 8, 2006, New Cingular Wireless, PCS, LLC (“New Cingular”) filed a verified Petition with the Illinois Commerce Commission (“Commission”), pursuant to Section 13-401 of the Public Utilities Act (“the Act”), (220 ILCS 5/13-401), for a Certificate of Service Authority to Domestic Public Cellular Radio Communications Services in Illinois, under authority granted to it by the Federal Communications Commission (“FCC”). In the same petition, Southwestern Bell Mobile Systems, LLC (“Southwestern”), AT&T Wireless PCS, LLC (“AT&T Wireless”), Telecorp Holding Corp. II d/b/a AT&T Wireless IV (“Telecorp II”), and Telecorp PCS, LLC d/b/a AT&T Wireless III (“Telecorp PCS”) requested that the Commission cancel their respective Certificates of Service Authority.

Section 13-401 of the Act states in relevant part:

...the Commission shall approve a cellular radio application for a Certificate of Service Authority without a hearing upon a showing by cellular applicant that the Federal Communications Commission has issued to it a construction permit or an operating license to construct or operate a cellular radio system in the area as defined by the Federal Communications Commission, or portion of the area, for which the carrier seeks a Certificate of Service Authority

New Cingular is a telecommunications carrier under Section 13-202 of the Act and provides telecommunications service under Section 13-203 of the Act. It is a Delaware Limited Liability Company authorized to transact business in Illinois. Copies of New Cingular's operating licenses from the FCC were attached to the Petition in this matter. On September 27, 2005, Applicant received FCC licenses to provide commercial mobile radio service in the Carbondale-Marion area, Davenport-Moline area, and Mount Vernon-Centralia area, as well as to several other areas outside Illinois. Applicant seeks to provide wireless personal communications services in these areas.

The petition states that New Cingular was formed in 2005 primarily from the acquisition and integration of AT&T Wireless entities, and in connection with that formation, the FCC licenses of several entities operating under the Cingular Wireless and AT&T Wireless trade names were transferred to New Cingular. Because the actual operations of these cellular systems were and continue to be handled by Cingular Wireless, these transfers are transparent to customers and have had no impact on customer service. New Cingular's petition for a Certificate of Service Authority should be approved without a hearing. Pursuant to 47 U.S.C. §332 (c)(3)(A), States and local governments are preempted from regulating the entry of, or the rates charged, by any commercial mobile service operator.

The petition further states that Southwestern was granted a Certificate of Service Authority in Docket 02-0143 to provide Domestic Public Cellular Radio Telecommunications Services; AT&T Wireless was granted a Certificate of Service Authority in Docket 02-0229 to provide Domestic Public Cellular Radio Telecommunications Services; and Telecorp II and Telecorp PCS were granted Certificates of Service Authority in Docket 04-0202 to provide Domestic Public Cellular Radio Telecommunications Services, all in various Illinois locales. These entities now petition to cancel their respective Certificates of Service Authority, with such cancellations to be effective contemporaneously with the grant of the Certificate of Service Authority to New Cingular. The services offered by these entities are offered by New Cingular Wireless, PCS, LLC, therefore discontinuance of service will not deprive Illinois customers of any necessary services and is not otherwise contrary to the public interest

The provisions of 83 Ill. Adm. Code 210, 220, 255, 285, 300, 305, 705, 710, 720, 725, 730, 735, 745, and 755, should be waived or found inapplicable to New Cingular. The Commission has reviewed these rules and has found that the burden of fully complying with them would be unduly harsh and anti-competitive. New Cingular also requests Commission approval pursuant to 83 Ill. Adm. Code 250 to maintain its books and records at its places of business in Georgia and Texas. New Cingular's request should be granted in accordance with Section 5-106 of the Act.

The Commission, having reviewed the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) New Cingular Wireless, PCS, LLC, a Delaware limited liability company authorized to transact business in Illinois, seeks a Certificate of Service

Authority to provide commercial mobile radio service in Illinois, pursuant to Section 13-401 of the Act;

- (2) the Commission has jurisdiction over Applicant and the subject matter herein;
- (3) the recitals of fact and conclusions of law set forth in the prefatory portion of this Order are supported by the evidence of record and are hereby adopted as findings of fact and law;
- (4) Applicant has obtained the necessary registration by the FCC to provide commercial mobile radio service in Illinois; it is in the public interest that the Commission grant a Certificate of Service Authority to New Cingular Wireless, PCS, LLC in this Docket;
- (5) pursuant to Section 13-402 of the Act, the following Sections of 83 Ill. Adm. Code should be waived or declared inapplicable to Applicant: Sections 210, 220, 255, 285, 300, 305, 705, 710, 720, 725, 730, 735, 745, and 755;
- (6) pursuant to 83 Ill. Adm. Code 250, Applicant is authorized to maintain its books and records outside of Illinois in accordance with Section 5-106 of the Act; Applicant shall file with the Chief Clerk of the Commission, within 30 days of the date of this Order, the address of the office where its books and records will be kept;
- (7) the Certificates of Service Authority issued to Southwestern Bell Mobile Systems, LLC in Docket 02-0143, AT&T Wireless PCS, LLC in Docket 02-0229, and Telecorp Holding Corp. II d/b/a AT&T Wireless IV and Telecorp PCS, LLC d/b/a AT&T Wireless III in Docket 04-0202, should be canceled; the services offered by these entities are offered by New Cingular Wireless, PCS, LLC, therefore discontinuance of service will not deprive Illinois customers of any necessary services and is not otherwise contrary to the public interest.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that New Cingular Wireless, PCS, LLC be, and is hereby, granted a Certificate of Service Authority pursuant to Section 13-401 of the Act to provide commercial mobile radio service in Illinois.

IT IS FURTHER ORDERED that the Certificate of Service Authority hereinabove granted shall be the following:

CERTIFICATE OF SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that New Cingular Wireless, PCS, LLC is authorized pursuant to Section 13-401 of the

Public Utilities Act to provide commercial mobile radio service in Illinois.

IT IS FURTHER ORDERED that the petition of Southwestern Bell Mobile Systems, LLC, AT&T Wireless PCS, LLC, Telecorp Holding Corp. II d/b/a AT&T Wireless IV, and Telecorp PCS, LLC d/b/a AT&T Wireless III is granted, and the Certificates of Service Authority issued to Southwestern Bell Mobile Systems, LLC in Docket 02-0143, AT&T Wireless PCS, LLC in Docket 02-0229, and Telecorp Holding Corp. II d/b/a AT&T Wireless IV and Telecorp PCS, LLC d/b/a AT&T Wireless III in Docket 04-0202, are canceled.

IT IS FURTHER ORDERED that the applicability of Commission rules with respect to New Cingular Wireless, PCS, LLC is subject to any future Commission proceeding initiated to consider the applicability of such rules.

IT IS FURTHER ORDERED that the provisions of the Commission's Rules, identified in Finding (5) above, are hereby waived or declared inapplicable to New Cingular Wireless, PCS, LLC.

IT IS FURTHER ORDERED that pursuant to 83 Ill. Adm. Code, New Cingular Wireless, PCS, LLC is authorized to maintain its books and records outside of Illinois and shall comply with the filing requirements in Finding (6) above.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 7<sup>th</sup> day of June, 2006.

(SIGNED) CHARLES E. BOX

Chairman