

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

USCOC OF ILLINOIS RSA #1, LLC)	
USCOC OF ILLINOIS RSA #4, LLC)	
USCOC OF ILLINOIS ROCKFORD, LLC)	
USCOC OF CENTRAL ILLINOIS, LLC)	Docket No. 04-0653
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier Under 47 U.S.C.)	
Section 214(e)(2))	

PETITIONERS' BRIEF ON EXCEPTIONS

NOW COMES Petitioners, USCOC of Illinois RSA #1, LLC, USCOC of Illinois RSA #4, LLC, USCOC of Illinois Rockford, LLC, and USCOC of Central Illinois, LLC (collectively, "USCOC" or "Petitioner"), pursuant to 83 Ill. Adm. Code ("Code") § 200.830, and hereby submit their exceptions to the Administrative Law Judge's Proposed Order ("Proposed Order") in the above-captioned proceeding. USCOC holds Certificates of Service Authority to provide commercial mobile radio services ("CMRS") in its FCC-licensed territory in Illinois.¹

¹The Commission is asked to take official notice of its Orders issued on May 26, 2004 in Dockets 04-0322, 04-0323, 04-0324, and 04-0325, which granted USCOC's applications for Certificates of Service Authority pursuant to § 13-401(a) of the Public Utilities Act ("Act"), 220 ILCS 5/13-401(a). By those orders, the Commission excluded USCOC from active regulatory oversight by rulemaking pursuant to 220 ILCS 5/13-203 and granted it a waiver of the consumer protection requirements of Part 735 of the Code.

EXCEPTION 1: 47 U.S.C. § 332(c)(3)(A) PREEMPTS THE COMMISSION'S JURISDICTION TO REVIEW AND APPROVE PETITIONERS' LOCAL USAGE RATE PLAN

Preemption occurs when Congress, in enacting a federal statute, expresses a clear intent to preempt state law. *Louisiana Public Service Comm'n v. FCC*, 476 U.S. 355, 368 (1986). In enacting § 332(c)(3)(A) of the Communications Act of 1934, as amended (“Communications Act”), Congress employed “explicit preemptive language” to express its intent. *Capital Cities Cable, Inc. v. Crisp*, 467 U.S. 691, 698 (1984). Entitled “State preemption,” § 332(c)(3)(A) provides that “no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service.” 47 U.S.C. § 332(c)(3)(A) (emphasis added). Consequently, in the ETC designation process, the Commission “may extend generally applicable, competitively neutral requirements that do not regulate [CMRS] rates or entry and are consistent with §§ 214 and 254 of the Communications Act to all ETCs in order to preserve and advance universal service.” Proposed Order at 8 (quoting *Federal-State Joint Board on Universal Service*, 20 F.C.C.R. 6371, 6385 (2005) (“*ETC Order*”)).

In its *ETC Order*, and without considering whether state-imposed local usage requirements are preempted by § 332(c)(3)(A) of the Communications Act, the FCC explicitly encouraged state commissions to consider whether an ETC applicant offers a local usage plan comparable to the one offered by the ILEC in the service area for which the applicant seeks ETC designation. *See* 20 F.C.C.R. at 6386. Moreover, it suggested that nothing prevents a state commission from prescribing some amount of local usage as a condition of ETC designation. *See id.* It is understandable, therefore, that the Proposed Order imposes, as a condition of ETC designation, the requirement that USCOC develop a local usage rate plan comparable to those of the ILECs in its service area and to submit it to the Commission “for review and approval.”

Proposed Order at 49. Imposition of that local usage requirement would constitute preempted CMRS rate regulation.

The FCC has “consistently ... interpreted the rate regulation provision of [§ 332(c)(3)(A)] to be broad in scope.” *Truth-in-Billing and Billing Format*, 20 F.C.C.R. 6448, 6462 (2005). It has held that a state commission engages in preempted rate regulation by “prescribing, setting, or fixing” the rates of CMRS providers. *Southwestern Bell Mobile Systems, Inc.*, 14 F.C.C.R. 19898, 19906 (1999) (quoting *Cellular Telecommunications Industry Ass’n v. FCC*, 168 F.3d 1332, 1336 (D.C. Cir. 1999)). A state commission is prohibited not only from prescribing “how much may be charged” for CMRS, but also from prescribing “the rate elements for CMRS” or specifying the services which “can be subject to charges by CMRS providers.” *Id.* at 19907. Thus, § 332(c)(3)(A) preempts any state regulations that “clearly and directly affect the manner in which the CMRS carrier structures its rates.” *Truth-in-Billing*, 20 F.C.C.R. at 6464.² *See Cellco Partnership v. Hatch*, 431 F.3d 1077, 1083 (8th Cir. 2005) (a state law that had a “clear and direct effect on [CMRS] rates” was preempted by § 332(c)(3)(A)). The proposed local usage requirement would have a clear and direct effect on USCOC’s rates.

The term “local usage” means “an amount of minutes of use of exchange service, prescribed by the Commission, provided free of charge to end users.” Proposed Order at 13. *See*

²The FCC issued *Truth-in-Billing* the day after releasing its *ETC* Order. The FCC held that state regulations requiring or prohibiting the use of “line items” (discrete charges identified on an end user’s bill) by CMRS providers constitute rate regulation preempted by § 332(c)(3)(A). 20 F.C.C.R. at 6462. The FCC decided that state regulations having “a direct effect on a CMRS carrier’s rate structure presented to its end users” are preempted. *Id.* at 6464. Thus preempted are “[s]tate regulations that *prohibit* a CMRS carrier from recovering certain costs through a separate line item, thereby permitting cost recovery through an undifferentiated charge for service,” since they “clearly and directly affect the manner in which the CMRS carrier structures its rates.” *Id.* (emphasis in original). Also preempted is the converse: “a state rule *requiring* CMRS carriers to segregate particular costs into line items,” because it “would limit a carrier’s ability to set and structure its rates.” *Id.* (emphasis in original).

47 C.F.R. § 54.101(a)(2). Hence, a Commission requirement that USCOC must provide a prescribed amount of local usage would force it to provide that amount of CMRS free of charge. Clearly, that prescription would “directly affect” USCOC’s “rates and rate structures in a manner that amounts to rate regulation” preempted by § 332(c)(3)(A). *Truth-in-Billing*, 20 F.C.C.R. at 6463.

Federal preemption of state regulation under the Communications Act and the Supremacy Clause “simply leaves the private party free to do anything it chooses consistent with the federal law. . . . On the subject covered, state law just drops out.” *Nixon v. Missouri Municipal League*, 541 U.S. 125, 133 (2004) (federal preemption under 47 U.S.C. § 253). Federal preemption under § 332(c)(3)(A) leaves USCOC free to “charge whatever price it wishes” so long as it complies with federal regulation under the Communications Act. *Wireless Consumers Alliance*, 15 F.C.C.R. 17021, 17035-36 (2000).³ The Commission having been preempted, it is for the FCC, and the FCC alone, to regulate USCOC’s local usage plan. *See* 47 C.F.R. § 54.101(a)(2) (local usage is amount of minutes of use of CMRS, *prescribed by the FCC*, that must be provided free of charge).

EXCEPTION 2: THE “INTERIM RULES” THAT WOULD MAKE CODE PARTS 730 AND 735 APPLICABLE TO USCOC HAVE NOT BEEN ADOPTED IN ACCORDANCE WITH THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT AND WOULD BE INVALID

The Commission designates the ETCs that will receive federal universal service support pursuant to authority granted it by §§ 214(e)(2) and 254 of the Communications Act, 47 U.S.C. §§ 214(e)(2), 254, and subject to the FCC’s universal service rules. *See* 47 C.F.R. §§ 54.201, 54.203. Section 254(f) of the Communications Act gives the Commission the discretionary

³ While state authority over CMRS rates is thus completely preempted, USCOC’s rates and rate structures are subject to federal review under the “unjust and unreasonable” standard of 47 U.S.C. § 201(b) and the non-discrimination requirement of 47 U.S.C. § 202(a).

authority to “adopt regulations not inconsistent with the [FCC’s] rules to preserve and advance universal service.” 47 U.S.C. § 254(f). It also allows the Commission to “adopt regulations to provide for additional definitions and standards to preserve and advance universal service” within Illinois “only to the extent that such regulations adopt additional specific, predictable, and sufficient mechanisms to support such definitions or standards that do not rely on or burden Federal universal service support mechanisms.” 47 U.S.C. § 254(f). This statutory language has been interpreted to give a state commission the authority to regulate in order to promote universal service, but its “discretion must operate within the bounds of federal law.” *AT&T Corp. v. Public Utilities Comm’n of Texas*, 252 F. Supp. 2d 347, 351 (W.D. Tex. 2003).

Federal law limits the Commission to extending “generally applicable, competitively neutral requirements” that are consistent with §§ 214, 254 (and not inconsistent with § 332) of the Communications Act to all ETCs. *ETC Order*, 20 F.C.C.R. at 6385. It may impose service quality and consumer protection standards in the ETC designation process that do not regulate CMRS rates or entry, but “such standards may only be imposed through regulations adopted under § 254(f) and following the rule-making procedures” under Article 5 of the Illinois Administrative Procedure Act, 5 ILCS 100/5-10 *et seq.* (“IAPA”). *See WWC Holding Co., Inc. v. Sopkin*, 420 F. Supp. 2d 1186, 1195 (D. Col. 2006).

On April 19, 2006, the Commission decided to exercise its discretion under § 254(f) of the Communications Act and § 10-101 of the Act, 220 ILCS 5/10-101, to promulgate rules imposing service quality and consumer protection standards on wireless ETCs. *See Order*, Docket 04-0454/04-0455/04-0456 (Cons.), at 60 (¶ 7) (Apr. 19, 2006). Therefore, recognizing that the service quality and consumer protections set forth in Code Parts 730 and 735 “are not easily translated into the regulation of wireless carriers,” the Commission initiated its rulemaking

on June 28, 2006 to develop and adopt rules regarding service quality and consumer protection applicable to wireless carriers operating as ETCs. Order, Docket 06-0468, at 1 (June 28, 2006) (“Wireless ETC Rulemaking Order”). Nevertheless, the Proposed Order would impose the condition on USCOC’s designation as an ETC that it either comply with the service quality and consumer protection standards set forth in Parts 730 and 735 (except § 735.180) or seek rule waivers. *See Proposed Order at 50.*

If it makes USCOC subject to Parts 730 and 735 on an “interim” basis, *see id.* at 33, the Commission would be adopting “rules,” as they are defined by § 1-70 of the IAPA. *See 5 ILCS 100/1-70* (a rule is an “agency statement of general applicability that implements, applies, interprets, or prescribes law or policy”). Because the Commission’s discretion is constrained by § 254(f) of the Communications Act, any interim service quality and consumer protection requirements imposed on USCOC as an ETC must be “generally applicable” and “competitively neutral” to be valid under federal law. *See ETC Order*, 20 F.C.C.R. at 6385. Thus, the requirements would be rules within the purview of the IAPA because they would: (1) constitute a Commission statement of general applicability that implements law and agency policy; (2) not include statements dealing only with the internal management of the Commission; and (3) “affect the rights and procedures available to people and entities outside the agency.” *Senn Park Nursing Center v. Miller*, 104 Ill.2d 169, 178, 470 N.E.2d 1029, 1034 (1984).

It is settled law that the Commission can adopt standards by general rule or by individual *ad hoc* litigation. *See, e.g., City of Chicago v. Illinois Commerce Comm’n*, 133 Ill. App. 3d 4355, 447-48, 478 N.E.2d 1369, 1378 (Ill. App. Ct. 1985). That is not the case when the Commission adopts standards under § 254(f) of the Communications Act. *See WWC Holding, supra*, 420 F. Supp. 2d at 1195. Moreover, once it decided on April 19, 2006 to adopt service

quality and consumer protection rules for wireless ETCs, the Commission must comply with the provisions of the IAPA. *See Riverboat Development Corp. v. Illinois Gaming Bd.*, 268 Ill. App. 3d 257, 259, 644 N.E.2d 10, 11 (Ill. App. Ct. 1994). But it has not complied with the rulemaking provisions of the IAPA in this proceeding.

The IAPA makes provision for “general,” “emergency,” and “peremptory” rulemakings, *see* 5 ILCS 100/5-40, 100/5-45, 100/5-50, but none for an “interim” rulemaking. And the Commission did not adhere to the general rulemaking procedures required by §§ 5-20 and 5-40 of the IAPA to adopt rules implementing its discretionary powers under § 254(f) of the Communications Act and § 10-101 of the Act. *See* ILCS 100/5-20, 100/5-40. Consequently, the interim rules that the Proposed Order will promulgate will not be valid or effective against USCOC. *See* 5 ILCS 100/5-10(c); *Senn Park*, 104 Ill.2d at 181, 470 N.E.2d at 1035; *WWC Holding*, 420 F. Supp. 2d at 1195.

USCOC notes that it is currently not subject to Part 730 or Part 735. Part 730 applies to all local exchange carriers (“LECs”) “offering or providing either competitive or noncompetitive telecommunications service” as defined in §§ 13-209 and 13-210 of the Act. 83 Ill. Adm. Code § 730.100(a). As used in Part 730, a LEC is a “telecommunications carrier certified by the Commission to provide intra-exchange and/or inter-exchange service” within the same Market Service Area (“MSA”). *Id.* § 730.105. USCOC has not been certified to provide intra-exchange and/or inter-exchange service within the same MSA. It has been certified only to provide CMRS in three Metropolitan Service Areas, two Rural Service Areas, and fourteen Basic Trading Areas. Because USCOC is not a LEC subject to Part 730, the Commission would have to amend Code § 730.100(a) to make the service quality standards apply to USCOC. That would require a general rulemaking proceeding under § 5-40 of the IAPA. *See* 5 ILCS 100/5-35(a).

In May 2004, the Commission excluded USCOC from active regulatory oversight by rulemaking pursuant to 220 ILCS 5/13-203 and granted it a waiver of the consumer protection requirements of Part 735. *See supra* note 1. Moreover, as a matter of law, competitive carriers such as USCOC are not subject to Part 735.

The Commission adopted Part 735 to implement §§ 8-101 and 9-252 of the Act, 220 ILCS 5/8-101, 5/9-252. However, §§ 8-101 and 9-252 do not apply to competitive carriers. *See* 220 ILCS 5/13-101. Therefore, Part 735 does not apply to wireless carriers, such as USCOC, which are by definition competitive carriers. In addition, it undisputed that the purpose of Part 735 is to protect customers from monopoly wireline carriers. Imposing those requirements on a competitive carrier that does not have market power does not comport with Commission practice.⁴

The record in Docket 06-0468 includes a report, dated June 7, 2006, submitted by the Staff of the Telecommunications Division (“Staff”) at the Commission’s direction. The Staff reported that it had become “clear” that many of the customer protection and service quality standards in Parts 730 and 735, which had been “formulated for wireline [LECs] were not applicable to or did not easily translate into standards for wireless [LECs].” Telecommunications Division Staff Report, Docket 06-0468, at 1 (June 7, 2006). Based on that report, the Commission initiated its current wireless ETC rulemaking upon its finding that Parts 730 and 735 were formulated for wireline LECs and “are not easily translated into the regulation of wireless carriers.” Wireless ETC Rulemaking Order, at 1. That finding undermines the

⁴ In attempting to force USCOC to comply with Part 735, the Proposed Order states that the requirements set forth in Part 735 are not “discretionary or negotiable.” Proposed Order at 33-34. USCOC agrees with this statement to the extent that Part 735 is neither “discretionary” nor “negotiable” with respect to those carriers subject to its provisions. However, USCOC is not subject to Part 735.

holding of the Proposed Order that the “entirety of Parts 730 and 735 would be applicable to Petitioner in the interim.” Proposed Order at 33.

During the pendency of a rulemaking that was initiated because the entirety of Parts 730 and 735 clearly did not apply to wireless carriers, Parts 730 and 735 cannot be applied wholesale to USCOC on an interim basis. The Commission must await the completion of its rulemaking before it can saddle wireless ETCs with the requirement that they comply with the customer protection and service quality standards specified in Parts 730 and 735.⁵

USCOC also objects to the Commission imposing Parts 730 and 735 in an arbitrary and capricious manner. Although the Proposed Order summarily concludes that imposition of these rules is not discretionary, USCOC has never before been required to follow these rules (and as shown above, was granted a specific exemption from Part 735 in its certificate). Nothing in the rules indicates that they are applicable only to ETCs. Moreover, on information and belief, the Commission has never imposed these rules on any other commercial mobile wireless carrier operating in Illinois.⁶

Finally, USCOC takes exception to the Proposed Order’s finding that it must obtain written acknowledgement from its customers that it does not list their cell phone numbers in a directory. Proposed Order at 47. This requirement would arbitrarily apply to wireless ETCs (but not other wireless carriers) in Illinois and should be rejected for that reason alone. This requirement also ignores that, under the existing law, wireless carriers are not subject to Part 735.

Throughout the proceeding, USCOC offered to provide notice to customers that it does not

⁵ The Proposed Order implicitly acknowledges that a rulemaking is required to subject USCOC to the requirements of Parts 730 and 735 by “ordering” it to state in writing that it will participate in a rulemaking to consider the applicability of those rules to wireless carriers seeking ETC status. Proposed Order at 51. USCOC would be ordered to become a party to the very same rulemaking proceeding that it suggested in its comments as the proper way to resolve the issue. *See* Pet. Reply Br. at 21.

⁶ Other than Illinois Valley Cellular, as part of its recent designation as an ETC.

provide directory services, and informed Staff and the ALJ that a vast majority of its customers do not want their number listed in a directory. Pet. Rep. Br. at 23. Even though providing a directory is not one the nine supported services, the Proposed Order imposes the hybrid requirement of written acknowledgment. This *ad hoc* approach only underscores the point that the proper way to determine what regulations wireless carriers seeking ETC status must adhere to is best determined in a rulemaking proceeding and not a designation proceeding.

EXCEPTION 3: SINCE THERE IS NO RECORD EVIDENCE THAT VERIZON SOUTH COULD BE HARMED BY USCOC’S DESIGNATION, USCOC’S PETITION SHOULD BE GRANTED AS PROPOSED.

The proposed denial of ETC status to USCOC in Verizon South’s service area based on alleged “cream skimming” concerns is based entirely on speculative harm and has no basis in law or in fact. No party submitted any record evidence demonstrating any actual harm that Verizon South would be likely to incur as the result of USCOC being designated as proposed. Furthermore, Verizon South did not file *any* evidence addressing this issue, an obvious indication that it did not consider the speculative harms to be real.

Even accepting Staff’s speculative harms as likely, the FCC’s rules specifically provide Verizon south to address any cream-skimming concerns it may have by disaggregating its support below the study-area level -- a fact given virtually no weight in the Proposed Order. *See* 47 C.F.R. Section 54.315. Moreover, no party submitted any record evidence that “cream skimming” is likely to occur. Staff concluded that cream skimming could be possible, based solely on a population density analysis, which was rebutted by USCOC’s expert witness, Don Wood:

[T]his method represents a “rough justice” approach, at best. A measure of persons per square mile, while readily available, is a poor proxy for telephone lines per square mile and therefore is a poor predictor of the costs of serving an area. More importantly, measuring density at the level of the total wire center

area, rather than the subset of this area within which telephone plant is actually built, understates density – thereby overstating cost – and does so most significantly in low density areas. For these reasons, the limitations inherent in the FCC’s approach should be recognized, and this kind of analysis should be used only as a way of identifying areas for which a more detailed analysis should be undertaken.⁷

As an indirect wholly-owned subsidiary of Verizon Communications Inc., one of the largest telecommunications companies in the world, Verizon South is unlikely to be harmed by USCOC’s ETC designation. Verizon Communications operates in 28 states and has more than 250,000 employees worldwide. Verizon South itself reported over \$900 million in operating revenues in 2005. It benefits from the corporate umbrella provided by its parent company in the form of debenture guarantees and loans on advantageous terms.⁸ Quite simply, Verizon South is not a small rural ILEC, and it is certainly not in need of discretionary regulatory protection from competition contained in the Proposed Order.

A recent order from Kansas, where an affiliate of USCOC (“U.S. Cellular”) was designated as an ETC, illustrates this point. In the initial order, the Kansas Corporation Commission (“KCC”) denied U.S. Cellular’s request for ETC status in areas served by two subsidiaries of Fairpoint Communications, in part because of potential cream skimming. The Staff of the KCC had found a population density of 9.20 persons per square mile inside the proposed ETC service area and 2.34 persons per square mile in the area not being served (a ratio of just under 4:1) to require denial.

On reconsideration, the KCC reversed its initial ruling, based on Staff’s recommendation, stating:

Staff agreed with USCOC that Sunflower and Bluestem may be less vulnerable than some other rural telephone companies because these two companies are

⁷ Wood Direct Testimony at 19-20.

⁸ Verizon Communications Inc. 2006 Annual Report at Note 21, available online at: http://investor.verizon.com/sec/sec_frame.aspx?FilingID=4275196&haspdf=0&hasxls=1

owned by Fairpoint Communications, Inc., which is a publicly traded company with operations in 17 states and over 291,000 access line equivalents. Staff agreed Fairpoint's size makes it less likely that it would be disadvantaged by possible cream skimming.....⁹

The KCC granted ETC status in those areas based, in part, on "the size of the parent company of Sunflower and Bluestem".¹⁰ Here, the size of Verizon South's parent company should allay any concern that the company will suffer any harm from U.S. Cellular's designation as a competitive ETC in any portion of its study area. This is especially the case since the difference in population densities, even accepting Staff's figures (42.12 inside to 17.51 outside), presents a smaller ratio (2.41:1) than that in the Kansas case described above (3.93:1).¹¹

The Proposed Order gave insufficient weight to Verizon South's ability to disaggregate support. Verizon South's decision not to disaggregate support reflected a determination that "given the demographics, cost characteristics, and location of its service territory, and the lack of a realistic prospect of competition, disaggregation is not economically rational."¹² If Verizon South believes designation of USCOC raises cream-skimming concerns, it is entitled to file a disaggregation plan for Commission approval. Several other states have declared that disaggregating support is a sufficient remedy for rural ILECs concerned about cream skimming.¹³

⁹ USCOC of Nebraska/Kansas LLC, Docket No. 06-USCZ-519-ETC, Order Granting USCOC of Nebraska/Kansas LLC's Petition for Reconsideration (March 30, 2006). At para. 7.

¹⁰ *Id.* at para. 9.

¹¹ See ICC Staff Exhibit 2.0, Exhibit JZ-1.

¹² *Federal-State Joint Board on Universal Service, Fourteenth Report and Order, Twenty-second Order on Reconsideration, and Further Notice of Proposed Rulemaking*, 16 F.C.C.R. 11244, 11303 (2001) ("*Fourteenth Report and Order*").

¹³ See, e.g., N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless, Application No. C-3324 (Neb. PSC, Oct. 18, 2005) at pp. 13-14; Northwest Dakota Cellular of North Dakota Limited Partnership et al., Case No. PU-1226-03-597 (N.D. PSC Feb. 25, 2004) at p. 10; Easterbrooke

The FCC has properly ruled that service area redefinition “does not modify the existing rules applicable to rural telephone companies for calculating costs on a study area basis, nor, as a practical matter, the manner in which they will comply with these rules. *See, Virginia Cellular, supra*, 19 F.C.C.R. at 1583. Other states have ruled similarly on this issue; indeed, undersigned counsel is unaware of any state that has denied redefinition based on concerns about administrative burdens.¹⁴

In sum, the Proposed Order failed to acknowledge that Verizon South benefits from the economies of scale that come with being subsidiary of Verizon Communication, and it gave insufficient consideration to Verizon South’s ability to protect itself through the disaggregation process. Accordingly, there was an inadequate basis to conclude that Verizon South could be harmed by USCOC’s designation as proposed.

Cellular Corp., Docket No. 03-0935-T-PC (W. Va. PSC, May 14, 2004) at p. 55; AT&T Wireless PCS of Cleveland, LLC, et al., Docket No. UT-043011 (Wash. Util. & Transp. Comm’n, April 13, 2004) at p. 15.

¹⁴ *See, e.g.*, WWC Holding Co., Inc., d/b/a CellularOne, Docket No. P-5695/M-04-226 (Minn. PUC, Aug. 19, 2004) at p. 9; Viaero Wireless, Application No. C-3324 (Neb. PSC, Oct. 18, 2005) at pp. 14-15; RCC Minnesota, Inc. and Wireless Alliance, L.L.C. d/b/a Unicef, TC03-193 (S.D. PUC, June 6, 2005) at p. 13.

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Respectfully submitted

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