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IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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COMMISSION CLERK

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION AND THE UNITED STATES OF AMERICA

Respondents.

No. 05-11682-D

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DISTRIBUTION CENTER

MOTION FOR LEAVE TO INTERVENE

Cingular Wireless LLC ("Cingular"),¹ by its attorneys, respectfully moves for leave to intervene as a matter of right in the above-captioned review proceeding pursuant to F.R.A.P. 15(d), 11th Circuit Rule 15-4 and 28 U.S.C. § 2348. Petitioner, the National Association of State Utility Consumer Advocates ("NASUCA"), seeks review of the Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking of the Federal

Communications Commission ("FCC" or "Commission") in the matter of Truth-in-Billing and Billing Format and the National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, CC Docket Nos. 98-170 and 04-208, FCC 05-55 (rel. Mar. 18, 2005). The Declaratory Ruling denied NASUCA's request seeking to prohibit telecommunications carriers - including CMRS carriers - from imposing any separate line item

¹Cingular, a commercial mobile radio services ("CMRS") provider, constructs, operates and holds interests in numerous wireless telecommunications systems throughout the United States through various subsidiaries and affiliates.

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FEDERAL COMMUNICATIONS COMMISSION

or surcharge on customers' bills that was not mandated or authorized by federal, state or local law.

Cingular moves to intervene on the side of the Respondents, the FCC and the United States of America, in support of certain findings and conclusions of law in the *Declaratory Ruling* that are under challenge.

Cingular participated in the proceeding below. Cingular is directly affected by the FCC's ruling dealing with the manner in which CMRS carriers charge their customers. Cingular will be adversely affected if the *Declaratory Ruling* "is ... enjoined, set aside, or suspended." 28 U.S.C. § 2348. Therefore, as a "party in interest in the proceeding before the agency whose interests will be affected" by this review proceeding, Cingular is entitled to intervene "as [a matter] of right." 28 U.S.C. § 2348.

Respectfully submitted,

CINGULAR WIRELESS LLC



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April 15, 2005

SBC and BellSouth equally own and control Cingular Wireless Corporation, which – in addition to the *de minimis* ownership interest in Cingular described above – controls Cingular. Therefore, although the economic interests in Cingular are divided approximately 60/40 between SBC subsidiaries and BellSouth subsidiaries, control is equally shared.

SBC holds its indirect interests in Cingular through SBC Alloy Holdings, Inc. (“SBC Alloy”) and SBC Long Distance, Inc. (“SBC LD”). SBC Alloy is jointly owned by eight (8) wholly owned subsidiaries of SBC: New Southwestern Bell Mobile Systems, Inc. (“New SBMS;” 62.01 percent); SBC Teleholdings, Inc. (“SBCT;” 11.04 percent); AWACS, Inc. (13.68 percent); Southern New England Telecommunications Corporation (“SNET;” 6.31 percent); New SBC Wireless, Inc. (“New SBCW;” 3.74 percent); Pacific Telesis Group (“PTG;” 2.72 percent); SBC Services, Inc. (“SBC Services;” 0.47 percent); and SBC Management Services, L.P. (“SBC Management;” 0.03 percent). SBC directly owns SBC LD, SNET, PTG, New SBCW, SBC Management Services Holdings, Inc. (“SBC MSH”), SBC Services, Inc. and SBCT. New SBCW owns 80 percent and PTG owns 20 percent of New SBMS. New SBCW also owns Delaware Valley Cellular Corporation, which directly owns AWACS, Inc. SBC MSH directly holds a 99 percent limited partnership interest in SBC Management and holds 100 percent of SBC-MSI, LLC, which directly holds a 1 percent general partnership interest in SBC Management.

BellSouth holds its indirect interests in Cingular through BLS Cingular Holdings, LLC (“BLS Cingular”) and BellSouth Mobile Data, Inc. (“BSMD”). The members of BLS Cingular are: AB Cellular Holding, LLC (“AB Cellular;” 97.60 percent) and Wireless Telecommunications Investment Company, LLC (“WTIC;” 2.40 percent). BellSouth directly owns BellSouth Enterprises, Inc. (“BSE”). BSE directly owns BellSouth Mobile Systems, Inc.

("BSMS"). BSMS directly owns BSMD, which directly owns RAM Broadcasting Corporation ("RAM") and is the sole member of WTIC. The members of AB Cellular are BSMD (97.70 percent) and RAM (2.30 percent).

Cingular's subsidiaries are licensed to provide commercial mobile radio services and recover regulatory costs via line items, which are at issue in this proceeding.

Respectfully submitted,

CINGULAR WIRELESS LLC



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CERTIFICATE OF SERVICE

I, Pervenía P. Brown, hereby certify that on this 15th day of April, 2005, copies of the foregoing "Motion for Leave to Intervene" were served via first class U.S. Mail, postage prepaid, on the following:

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