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April 26, 2005

Nancy Holbrook, Clerk
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303-2289

COMMISSION
CLERK

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Re: *Cingular Motion for Leave to Intervene*

Dear Ms. Holbrook:

Per your request, Cingular is filing a Certificate of Interested Persons in accordance with 11th Cir. R. 26.1-1 – 26.1-3. Cingular filed its Motion for Leave to Intervene and Corporate Disclosure Statement on April 18, 2005. For the convenience of the Court, Cingular also is resubmitting herewith its Motion for Leave to Intervene and Corporate Disclosure Statement previously filed on April 18, 2005.

Please contact the undersigned with any questions.

- CMP _____
- COM _____
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Respectfully Submitted,

L. Andrew Tollin
Craig E. Gilmore

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IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES Petitioner, v. FEDERAL COMMUNICATIONS COMMISSION AND THE UNITED STATES OF AMERICA Respondents. No. 05-11682-D

CERTIFICATE OF INTERESTED PERSONS, CORPORATE DISCLOSURE STATEMENT AND MOTION FOR LEAVE TO INTERVENE

CERTIFICATE OF INTERESTED PERSONS

Pursuant to 11th Circuit Rule 26.1-1 – 26.1-3 of the United States Court of Appeals for the Eleventh Circuit and F.R.A.P. 26.1, Cingular Wireless LLC (“Cingular”), by its attorneys, respectfully submits this Certificate of Interested Persons (“Certificate”). Appendix D to the order under review lists “industry, consumer advocacy groups and governmental entities” that filed comments and/or reply comments in the proceeding below. That appendix omits the names of

individual consumers who filed comments. In a good faith effort to comply with 11th Circuit Rule 26.1-1 – 26.1-3, all the entities listed in Appendix D, as well as the names of the law firms representing these entities to the extent available from the Federal Communications Commission’s (“FCC”) website, have been added to the Certificate. The names of the FCC’s commissioners and chairman also have been added to the list.¹

Abernathy, Kathleen Q. (Commissioner of FCC)

Adelstein, Jonathan S. (Commissioner of FCC)

American Association of Retired Persons

AT&T Corporation

AT&T Wireless Services, Inc.

BellSouth Corporation

Bennet & Bennet PLLC

California Public Utilities Commission

Cingular Wireless LLC

Coalition for a Competitive Telecommunications Market

Consumers Union

Copps, Michael J. (Commissioner of FCC)

¹ This Certificate does not include the names of individual attorneys representing the groups listed. The attached Certificate of Service, however, includes the names of the attorneys that filed on behalf of an interested party in the FCC proceeding below.

CTIA – The Wireless Association

District of Columbia, Office of the People’s Counsel

Federal Communications Commission

Florida Public Service Commission

Global Crossing North America, Inc.

Greenberg Traurig, LLP

Holland & Knight LLP

IDT America, Corp.

Indiana Office of Utility Consumer Counselor

Indiana Utility Regulatory Commission

Iowa Utilities Board

Irwin, Campbell & Tannenwald, P.C.

Kelley Drye & Warren LLP

Latham & Watkins LLP

Law Offices of Susan Bahr, PC

Law Offices of Thomas K. Crowe, P.C.

Leap Wireless International, Inc.

Lukas, Nace, Gutierrez & Sachs, Chtd.

Martin, Kevin J. (current Chairman of FCC)

Massachusetts Office of the Attorney General

MCI, Inc.

Minnesota Department of Commerce

National Association of Regulatory Utility Commissioners

National Association of State Utility Consumer Advocates

National Consumers League

National Telecommunications Cooperative Association

New Jersey Division of the Ratepayer Advocate

Nextel Communications, Inc. and Nextel Partners, Inc.

Powell, Michael K. (former Chairman of FCC)

Public Utilities Commission of Ohio

Rural Cellular Association

Rural Telecommunications Group, Inc.

Rural Wireline Carriers

Satellite Receivers, Cash Depot, and David Charles

SBC Communications, Inc.

Sidley Austin Brown & Wood, LLP

Sprint Corporation

Telecommunications Research and Action Center

TeleTruth

Tennessee Emergency Communications Board

Texas, State of (Office of the Attorney General of Texas)

The Utility Reform Network and Utility Consumers Action Network

T-Mobile USA, Inc.

TracFone Wireless, Inc.

United States Cellular Corporation

United States Communications Association

United States Telecommunications Association

Verizon Communications Inc.

Verizon Wireless

CORPORATE DISCLOSURE STATEMENT

Pursuant to 11th Circuit Rule 26.1-1 of the United States Court of Appeals for the Eleventh Circuit and F.R.A.P. 26.1, Cingular Wireless LLC (“Cingular”), by its attorneys, respectfully submits this corporate disclosure statement.

Cingular is the joint venture created by the combination of the domestic wireless operations of SBC Communications Inc. (“SBC”) and BellSouth Corporation (“BellSouth”), each of which is a publicly-held corporation. Cingular provides wireless voice and data commercial mobile radio services.

SBC, through various wholly-owned subsidiaries, none of which is publicly held, indirectly holds approximately 60 percent of Cingular’s LLC Units. BellSouth, through various wholly-owned subsidiaries, none of which is publicly held, indirectly holds approximately 40 percent of Cingular’s LLC Units. Cingular Wireless Corporation directly holds less than one percent of Cingular’s LLC Units and is not publicly held.

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

MOTION FOR LEAVE TO INTERVENE

Cingular Wireless LLC (“Cingular”),² 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 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.

² Cingular, 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.

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 26, 2005

CERTIFICATE OF SERVICE

I, Pervenía P. Brown, hereby certify that on this 26th day of April, 2005, copies of the foregoing “CERTIFICATE OF INTERESTED PERSONS, CORPORATE DISCLOSURE STATEMENT AND MOTION FOR LEAVE TO INTERVENE” were served via first class U.S. Mail, postage prepaid, on the following:

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