

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	)	
STATE OF CONNECTICUT, and	)	
STATE OF TEXAS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No.: 1:04CV01850 (RBW)
	)	
CINGULAR WIRELESS CORPORATION,	)	Filed: March 10, 2005
SBC COMMUNICATIONS INC.,	)	
BELLSOUTH CORPORATION and	)	
AT&T WIRELESS SERVICES, INC.,	)	
	)	
Defendants.	)	
	)	

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the following procedures have been followed in preparation for the entry of a final judgment herein:

1. Plaintiffs and defendants stipulated to the entry of the proposed Final Judgment on October 25, 2004, and this Stipulation was filed with the Court on October 25, 2004;
2. The proposed Final Judgment was filed with the Court on October 25, 2004; subsequently, a corrected proposed Final Judgment was filed on November 3, 2004;¹
3. The Competitive Impact Statement was filed with the Court on October 29, 2005;
4. The Stipulation, proposed Final Judgment, and Competitive Impact Statement were

¹All subsequent references to the “proposed Final Judgment” are to the corrected proposed Final Judgment.

published in the *Federal Register* on November 15, 2004, *see* 69 Fed. Reg. 65,633 (2004);

5. A summary of the terms of the proposed Final Judgment was published in the *Washington Post*, a newspaper of general circulation in the District of Columbia, beginning on November 10, 2004 and continuing on consecutive days through November 16, 2004 (see attachment);

6. Copies of the Stipulation, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them and made available on the Antitrust Division's Internet site;

7. On November 4, 2004, defendants Cingular Wireless Corporation, SBC Communications, Inc., BellSouth Corporation, and AT&T Wireless Services, Inc. jointly filed with the Court a description of written or oral communications by or on behalf of the defendants, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g);

8. The sixty-day comment period prescribed by 15 U.S.C. §16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, commenced on November 17, 2004 and ended on January 15, 2005;

9. As of the date of this certificate of compliance, the United States has received two comments on the proposed Final Judgment. Accordingly, the United States filed its Response to Public Comments and the comments themselves with this Court on February 17, 2005, and published the Response and the public comments in the *Federal Register* on March 2, 2005, *see* 70 Fed. Reg. 10,114 (2005); and

10. The parties have now satisfied all the requirements of the Antitrust Procedures and

Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the public interest determination required by 15 U.S.C. § 16(e) and to enter the Final Judgment.

Dated: March 10, 2005

Respectfully submitted,

/s/

Hillary B. Burchuk (DC Bar # 366755)
Matthew C. Hammond
Lorenzo McRae (DC Bar # 473660)
Attorneys, Telecommunications & Media
Enforcement Section
Antitrust Division
U.S. Department of Justice
1401 H Street, NW, Suite 8000
Washington, DC 20530
(202) 514-5621

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Certificate of Compliance with Provisions of the Antitrust Procedures and Penalties Act were served by first-class U.S. mail, postage prepaid, the 10th day of March, 2005 upon each of the parties listed below:

Richard L. Rosen, Esq.
Arnold & Porter LLP
555 Twelfth St., NW
Washington, DC 20004

Stephen M. Axinn, Esq.
Axinn, Veltrop & Harkrider LLP
1801 K St., NW
Washington DC 20006

Counsel For Defendants Cingular Wireless
Corporation and SBC Communications, Inc.
Corporation

Counsel For Defendants Cingular Wireless
Corporation and BellSouth

Ilene Knable Gotts, Esq.
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019

Counsel for Defendant AT&T Wireless Services, Inc.

John T. Prud'homme, Jr., Esq.
Assistant Attorney General
Antitrust and Civil Medicare Fraud Department
Office of the Attorney General
300 West 15th Street, 9th Floor
Austin, TX 78701

Rachel O. Davis, Esq.
Assistant Attorney General
Antitrust Department
55 Elm Street
Hartford, CT 06106

Counsel for Plaintiff State of Texas

Counsel for Plaintiff State of Connecticut

/s/

Hillary B. Burchuk (DC Bar # 366755)
Matthew C. Hammond
Lorenzo McRae (DC Bar # 473660)
Attorneys, Telecommunications & Media
Enforcement Section
Antitrust Division
U.S. Department of Justice
City Center Building
1401 H Street, N.W., Suite 8000
Washington, DC 20530
(202) 514-5621
Facsimile: (202) 514-6381