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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

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION  
AND THE UNITED STATES OF AMERICA,

Respondent.

Case No. 05-11682-d

**MOTION FOR ENLARGEMENT OF TIME IN WHICH TO FILE  
MOTION FOR LEAVE TO INTERVENE**

The Rural Telecommunications Group, Inc. ("RTG"),<sup>1</sup> by its attorneys, and pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure (FRAP) and 11<sup>th</sup> Circuit Rule 26-1, moves for an enlargement of time in which to file the accompanying Motion for Leave to Intervene ("Motion to Intervene") in the above-captioned proceeding. As explained in the Motion to Intervene, RTG is a party in interest entitled to intervene as a matter of right. *See* 28 U.S.C. § 2348. RTG's interests will be adversely affected if the order under review is enjoined, set aside, suspended, or modified.

<sup>1</sup> RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education in a manner that best represents the interests of its membership. RTG's members have joined together to speed delivery of new, efficient, and innovative telecommunications technologies to the populations of remote and underserved sections of the country. RTG's members provide wireless telecommunications services, such as cellular telephone service and Personal Communications Services, among others, to their subscribers. RTG's members are small businesses serving or seeking to serve secondary, tertiary and rural markets. RTG's members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies.

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Good cause exists for grant of the extension pursuant to FRAP 26(b) and 11<sup>th</sup> Circuit Rule 26-1, because no prejudice to or additional burden on existing parties will result from permitting the intervention. To date, no briefing schedule has been set in this proceeding. RTG is willing to comply with any briefing schedule the Court establishes for this proceeding. Therefore, RTG's intervention will not delay or result in disruption of this case.

Also, pursuant to 11<sup>th</sup> Circuit Rule 26-1, RTG's counsel has consulted National Association of State Utility Consumer Advocates' counsel and the Federal Communications Commission's counsel and both have indicated they will not oppose RTG's Motion to Intervene. Accordingly, no other party will be prejudiced by a grant of an enlargement of time to file the Motion to Intervene. In addition, and for the foregoing reasons, permitting the intervention will not result in disruption to the proceeding or interfere with the orderly processes of the Court. Because RTG's interests will be adversely affected if RTG is not represented in this proceeding, and for the foregoing reasons, good cause exists for grant of the requested extension.

For the reasons stated above, RTG respectfully requests that the Court enlarge the time for filing the Motion to Intervene to allow RTG to intervene as a matter of right.

Respectfully Submitted,

RURAL TELECOMMUNICATIONS  
GROUP, INC.

By:   
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*Its Attorneys*

May 19, 2005

**In the  
UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

NATIONAL ASSOCIATION OF STATE	)	
UTILITY CONSUMER ADVOCATES	)	
Petitioners,	)	
	)	
v.	)	Case No. 05-11682-d
FEDERAL COMMUNICATIONS COMMISSION	)	
AND THE UNITED STATES OF AMERICA,	)	
Respondent.	)	
	)	

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**MOTION FOR LEAVE TO INTERVENE**

The Rural Telecommunications Group, Inc. ("RTG"),<sup>1</sup> by its attorneys, and pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, 11<sup>th</sup> Circuit Rule 15-4 and 28 U.S.C. § 2348, respectfully moves for leave to intervene as a matter of right in the above-captioned proceeding. Petitioners, the National Association of State Utility Consumer Advocates ("NASUCA"), seek review of the *Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking* of the Federal Communications Commission ("FCC") 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

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<sup>1</sup> RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education in a manner that best represents the interests of its membership. RTG's members have joined together to speed delivery of new, efficient, and innovative telecommunications technologies to the populations of remote and underserved sections of the country. RTG's members provide wireless telecommunications services, such as cellular telephone service and Personal Communications Services, among others, to their subscribers. RTG's members are small businesses serving or seeking to serve secondary, tertiary and rural markets. RTG's members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies.

Nos. 98-170 and 04-208, FCC 05-55 (rel. March 18, 2005). The *Declaratory Ruling* denied NASUCA's request seeking to prohibit telecommunications carriers, including commercial mobile radio service ("CMRS") carriers, from imposing any separate line item or surcharge on customers' bills not mandated or authorized by federal, state or local law.

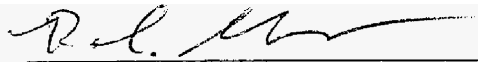
RTG moves to intervene on the side of the Respondents, the FCC and the United States of America, in support of certain finding and conclusions of law in the *Declaratory Ruling* that have been challenged by NASUCA.

RTG participated in the FCC proceeding below. RTG is directly affected by the FCC's ruling dealing with the manner in which CMRS carriers charge their customers. RTG 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, RTG is entitled to intervene "as [a matter] of right." 28 U.S.C. § 2348.

Respectfully submitted,

RURAL TELECOMMUNICATIONS  
GROUP, INC.

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May 19, 2005

**In the  
UNITED STATES COURT OF APPEALS  
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NATIONAL ASSOCIATION OF STATE	)	
UTILITY CONSUMER ADVOCATES	)	
Petitioners,	)	
	)	
v.	)	Case No. 05-11682-d
FEDERAL COMMUNICATIONS COMMISSION	)	
AND THE UNITED STATES OF AMERICA,	)	
Respondent.	)	
	)	

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**CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT**

The Rural Telecommunications Group (“RTG”), by its attorneys, and pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and 11<sup>th</sup> Circuit Rule 26.1-1, respectfully submits this certificate of interested persons and corporate disclosure statement.

RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education. RTG’s members are small businesses serving or seeking to serve secondary, tertiary and rural markets. RTG’s members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies. RTG is a corporation and no publicly-held company has a 10% or greater ownership in RTG.

Respectfully Submitted,

RURAL TELECOMMUNICATIONS GROUP,  
INC.

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*Its Attorneys*

May 19, 2005

## CERTIFICATE OF SERVICE

I, Colleen von Hollen, with the law firm of Bennet & Bennet, PLLC, hereby certify that on this 19<sup>th</sup> day of May, 2005, copies of the foregoing "Motion for Enlargement of Time in which to File Motion for Leave to Intervene," "Motion for Leave to Intervene" and "Certificate of Interested Persons and Corporate Disclosure Statement" were served by First Class, U.S. Mail, postage pre-paid, on the following:

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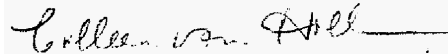
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