

Respectfully submitted,

James F. Lang

*By Christine M. W. J.
per contract*

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Limited Partnership

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Intermessage Wireless Associates, LTD,)	
)	Case No. 05-811-RC-CSS
Complainant,)	
v.)	
)	
Ameritech Mobile Communications, Inc.)	
<i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

The alleged cellular reseller in this case, Intermesage Wireless Associates, LTD, claims that Ameritech violated R.C. 4905.26, 4905.32, 4905.33, 4905.35, 4905.54 and 4909.18 and various orders of the Commission in its dealings with Complainant. See Complaint Introduction. The allegations of the Complaint arise from Ameritech’s conduct as a provider of cellular service to resellers. See Complaint, pars. 30, 37, 43.

On August 3, 2005 the Commission dismissed a virtually identical complaint case against Ameritech Mobile brought by a different cellular reseller. In *Discount Cellular v. Ameritech Mobile et al.*, Case No. 04-236-TP-CSS, the Commission held that it would not entertain complaints by cellular resellers against providers of cellular service filed after December 16, 1999. This complaint case was filed on June 23, 2005.

Because this case was filed long after the Commission relinquished jurisdiction over cellular reseller complaints and the allegations of this complaint case mirror the allegations in the *Discount Cellular* case, the Complaint should be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The foregoing Motion to Dismiss and Memorandum In Support was served via regular U.S. Mail, postage pre-paid, this 18th day of August, 2005, upon the following:

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