

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT U.S. COURT OF APPEALS

ELEVENTH CIRCUIT

June 23, 2004

THOMAS K. KAHN
CLERK

No. 02-15969

D. C. Docket No. 01-00182-CV-4-CAR-5

ALLTEL COMMUNICATIONS, INC.,

Plaintiff-
Counter-Defendant-
Appellee,

versus

CITY OF MACON,

Defendant-
Counter-Claimant-
Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

(June 23, 2004)

Before ANDERSON and BIRCH, Circuit Judges, and PROPST*, District Judge.

* Honorable Robert B. Propst, United States District Judge for the Northern District of Alabama, sitting by designation.

PER CURIAM:

The procedural history, facts and issues in this case are summarized in our previous opinion in which we certified a dispositive question of state law to the Supreme Court of Georgia. Alltel Communications v. City of Macon, 345 F.3d 1219 (11th Cir. 2003). We have received the answer of the Supreme Court of Georgia. City of Macon v. Alltel Comm., Inc., No. S04Q0128, 2004 WL 956303 (Ga. May 3, 2004). That answer being consistent with the declaration and final judgment of the district court, we hereby affirm that judgment.

AFFIRMED