

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-11682

Agency No. 98-00170

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT October 3, , 2006 THOMAS K. KAHN CLERK</p>
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NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER
ADVOCATES,

Petitioner,

NATIONAL ASSOCIATION OF REGULATORY UTILITY
COMMISSIONERS,

Intervenor-Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION,

Respondent,

AT&T CORPORATION,
CINGULAR WIRELESS, INC.,
LEAP WIRELESS INTERNATIONAL, INC.,
NEXTEL COMMUNICATIONS, INC.,
SPRINT CORPORATION,
T-MOBILE USA, INC.,
VERIZON,
CELLULAR TELECOMMUNICATIONS and INTERNET
ASSOCIATION,

Intervenors-Respondents.

Petition for Review of a Decision of the
Federal Communications Commission

(October 3, 2006)

ON PETITIONS FOR PANEL REHEARING

Before BLACK, PRYOR and COX, Circuit Judges.

PER CURIAM:

Upon consideration of the petitions for panel rehearing filed by the Federal Communications Commission and the Intervenors-Respondents, the opinion filed in this case on July 31, 2006, and published at 457 F.3d 1238, is modified in one respect. The final sentence of the opinion is deleted, and in its place the following is inserted:

Because the Communications Act allows the states to regulate line item billing for wireless services, we **GRANT** the petitions for review filed by the State Consumer Advocates and the State Utility Regulators, **VACATE** the preemption ruling set forth in the Declaratory Ruling in the Second Report and Order, and **REMAND** the case to the Commission.

In all other respects, the petitions for panel rehearing are **DENIED**.