

Mark P. Johnson
816.460.2424
mjohnson@sonnenschein.com

4520 Main Street
Suite 1100
Kansas City, MO 64111
816.460.2400
816.531.7545 fax
www.sonnenschein.com

*Chicago
Kansas City
Los Angeles
New York
San Francisco
Short Hills, N.J.
St. Louis
Washington, D.C.
West Palm Beach*

January 16, 2004

VIA FEDERAL EXPRESS

Mr. Dale Roberts
Executive Secretary
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

RE: Consolidated Case No. TC-2002-57

FILED⁴
JAN 20 2004

**Missouri Public
Service Commission**

Dear Judge Roberts:

Please find enclosed for filing the original and eight copies of the Withdrawal of Testimony by Respondents T-Mobile USA, Inc. and Western Wireless Corporation in the above-referenced case.

I have caused copies of the enclosed document to be served on all parties of record by United States mail, postage prepaid. Please return a "filed" stamped copy of the enclosed pleadings to me in the enclosed return envelope.

Very truly yours,

Mark Johnson / ngr
Mark P. Johnson

MPJ/rgr
Enclosures
cc : All Parties of Record (w/enclosure)

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

Northeast Missouri Rural Telephone Company)
And Modern Telecommunications Company,)
)
 Petitioners,)
)
 v.)
)
Southwestern Bell Telephone Company,)
Southwestern Bell Wireless (Cingular),)
Voicestream Wireless (Western Wireless),)
T-Mobile Communications, Inc., CMT Partners)
(Verizon Wireless), Sprint Spectrum LP,)
United States Cellular Corp., and Ameritech)
Mobile Communications, Inc.,)
)
 Respondents.)

Case No. TC-2002-57, et al
consolidated.

FILED⁴
JAN 20 2004

**Missouri Public
Service Commission**

**WITHDRAWAL OF TESTIMONY BY RESPONDENTS T-MOBILE USA, INC., AND
WESTERN WIRELESS CORPORATION**

Come now Respondents T-Mobile USA, Inc., and Western Wireless Corporation, and hereby withdraw the testimony which they filed in this docket on January 9, 2004. In support of this withdrawal, Respondents state the following:

1. In its Order of October 23, 2003, adopting the procedural schedule, the Commission stated that direct testimony had to be filed on or before January 9, 2004. There was no stated requirement that only Complainants would file direct testimony.

2. Upon the filing and service of the testimony of Ron Williams for Western Wireless and Lee Goldstein for T-Mobile, several parties questioned whether it would be more appropriate for this testimony to be filed as rebuttal testimony (which under the procedural schedule does not have to be filed until February 20, 2004).

3. Rather than confuse the record and the positions of the parties, T-Mobile and Western Wireless have elected to withdraw the pre-filed testimony of the witnesses mentioned

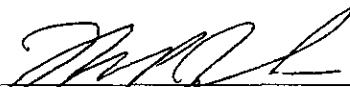
above, and will file testimony from those witnesses on or before the deadline for rebuttal testimony. Based upon consultation with counsel for many of the parties, including counsel for Complainants, this withdrawal should keep the record "clean" for purposes of the alignment of the parties.

4. If the Commission believes it must grant leave to Respondents to withdraw their testimony, the Respondents hereby make a motion for leave to withdraw the testimony, for the reasons set forth herein.

Wherefore, T-Mobile USA, Inc., and Western Wireless Corporation, inform and notify the Commission and the parties that the testimony of Ron Williams and Lee Goldstein is hereby withdrawn.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL



Mark P. Johnson MO Bar No. 30740
4520 Main Street, Suite 1100
Kansas City, Missouri 64111
Tel: (816) 460-2400
Fax: (816) 531-7545

ATTORNEYS FOR WESTERN WIRELESS
CORPORATION, T-MOBILE USA, INC. and
AERIAL COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class United States mail, postage prepaid, on all parties of record on this 16th day of January, 2004.

