

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG No. 890-CM

Petition of Omnipoint Communications Inc. for)
Revocation of its Certificate of Public Good to)
Operate as a Telecommunications Provider in the)
State of Vermont)

Order entered: 7/16/2009

ORDER REVOKING CPG

I. INTRODUCTION

On January 7, 2009, the Vermont Public Service Board ("Board") granted Omnipoint Communications Inc. ("the Company" or "Omnipoint"), a Certificate of Public Good, CPG No. 890-CM, to provide commercial mobile radio telecommunications services ("CMRS") in Vermont. On June 15, 2009, T-Mobile USA Inc. ("T-Mobile"), filed a letter with the Board stating that it will simplify its corporate structure by consolidating its wholly-owned subsidiary, Omnipoint, into the larger T-Mobile corporate structure, with the sole remaining operating entity for CMRS services in Vermont being T-Mobile Northeast LLC. Consequently, it stated, it wished to relinquish Omnipoint's authority to offer telecommunications services in Vermont.

On July 13, 2009, the Vermont Department of Public Service ("DPS") filed a letter with the Board stating that it had no objection to the Company's request.

The Board finds the reasons articulated by the Company in support of its request to be convincing. This finding, together with the fact that no opposition to the Company's filing has been registered with the Board, leads us to conclude that the Company's CPG should be revoked. While 30 V.S.A. §§ 102(c) and 231(a) require an opportunity for hearing before revocation of a CPG is allowed, we note that Rule 56 of the V.R.C.P. provides that where no genuine issue of material fact exists, a hearing is not necessary. We find that the requirements of V.R.C.P. Rule 56 are met in this case and, therefore, grant the Company's request without a hearing.

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the Certificate of Public Good granted to Omnipoint Communications Inc. on January 7, 2009, is revoked.

DATED at Montpelier, Vermont, this 16th day of July, 2009.

s/James Volz)

PUBLIC SERVICE

s/David C. Coen)

BOARD

s/John D. Burke)

OF VERMONT

OFFICE OF THE CLERK

Filed: July 16, 2009

Attest: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us).

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.