

**IN THE CIRCUIT COURT OF COOK COUNTY,
ILLINOIS COUNTY DEPARTMENT,
CHANCERY DIVISION**

PrimeCo Personal Communications, et. al)
vs.) No. 98 CH 5500
Illinois Commerce Commission; City of Chicago)

NOTICE OF CLASS ACTION SETTLEMENT

To: ALL PERSONS AND ENTITIES FROM WHOM CHARGES ATTRIBUTABLE TO CHICAGO'S IMF HAVE BEEN COLLECTED IN CONNECTION WITH THE PROVISION OF TELECOMMUNICATIONS SERVICES BY WIRELESS PROVIDERS AND OTHER EXCLUDED RETAILERS, AT ANY TIME FROM JANUARY 1, 1998 THROUGH FEBRUARY 7, 2002.

READ THIS NOTICE CAREFULLY

On April 5, 2002, the Circuit Court of Cook County, Illinois, certified a class for settlement purposes, in an action entitled PrimeCo Personal Communications, L.P., et al. v. The Illinois Commerce Commission of Chicago, et al., and Spillman, et al. v. Village of Skokie, et al., No. 98 CH 5500. You are a member of the Class if at any time between January 1, 1998 and February 7, 2002, you paid charges attributable to Chicago's Municipal Telecommunications Infrastructure Maintenance Fee ("IMF") in connection with telecommunications services provided by an Excluded Retailer. The term "Excluded Retailers" means all telecommunications retailers (except for PrimeCo Personal Communications, L.P. and affiliates of US Cellular Corporation, who have reached a separate settlement with the City of Chicago) who do not own, operate or maintain any substantial part of their infrastructure within the public rights-of-way. In general, this means any providers of wireless service, along with any resellers of telecommunications, such as hotels.¹

The lawsuit stems from the imposition and collection from you of the IMF by certain Illinois municipalities, including the City of Chicago, pursuant to a state statute that has been declared unconstitutional.

YOU ARE HEREBY NOTIFIED that a settlement has been reached with the City of Chicago by which Chicago has agreed to extend a refund to its residents in the form of a reduced rate in its telecommunications tax for customers of Excluded Retailers. The Settlement provides for a minimum of \$26 million in rate credits to be credited to customers of Excluded Retailers against Chicago's telecommunications tax or Chicago's Simplified Telecommunications Tax, over a period of 5 years, at a rate to be approved by the Court and a minimum of \$5 million in cash. The Rate Discount Credits shall be applied through a fluid recovery to customers of Excluded Retailers who are billed the Chicago Simplified Telecommunications Tax or, in its absence, the Chicago Telecommunications Tax. This settlement relates only to the IMF charges collected by the City of Chicago.

You do not need to take any action to receive the benefits of the settlement. If you do not exclude yourself from the Class, you will be bound by all Orders of the Court and the release of all claims relating to Chicago's collection of Municipal IMF through an Excluded Retailer; and you will be represented by the named plaintiffs and Class Counsel. Class Counsel will petition the Court for payment of their fees in an amount not to exceed twenty-five percent (25%) of the value of the benefits obtained for the Class, plus reimbursement of expenses necessarily incurred in the prosecution of the action.

If you are a Class member but do not wish to share in the settlement, you will be excluded from the Class if you request exclusion. To be excluded from the Class, your written request must be received at the following address not later than June 14, 2002:

Chicago IMF Litigation
P.O. Box 641790
Chicago, IL 60664-1790

If you do not seek to be excluded from the Class and want to be heard in opposition to any aspect of the Settlement, your papers must be received at the above post office box not later than June 14, 2002; and you may be heard at the hearing set forth below.

For additional information, you may visit the City of Chicago's website at www.ci.chi.il.us.org. You may also consult the files relating to these lawsuits at the office of the Clerk of the Circuit Court of Cook County, Illinois. A hearing will be held before the Honorable Judge Robert V. Boharic on July 30, 2002 at 2:00 p.m. in the Circuit Court of Cook County, Room 2408, Richard J. Daley Center, Chicago, Illinois 60602 to determine whether the proposed settlement should be approved as fair, reasonable and adequate, and to consider the application of attorneys' fees and reimbursement of expenses.

**By Order of the Circuit Court of Cook County, Illinois
Judge Robert V. Boharic**

¹ Entities which are not Excluded Retailers, and whose customers therefore are not a part of this settlement, include 360 Degrees, AT&T Corp, Global Crossing, Illinois Bell (Ameritech), Level 3, MCI, McLeod entities, Nextlink, Qwest, RCN, Sprint Communications, Teleport entities, Williams Communications and XO Illinois.

Sum. 7/2/02 TRB