

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
ALLIANCE CONTACT SERVICES, *et al.*) CG Docket No. 02-278
) DA No. 05-1346
Joint Petition for Declaratory Ruling That)
The FCC has Exclusive Regulatory Jurisdiction)
Over Interstate Telemarketing)

THE STATE OF INDIANA’S MOTION TO DISMISS ALLIANCE CONTACT SERVICES ET AL.’S JOINT PETITION ON GROUNDS OF SOVEREIGN IMMUNITY

Pursuant to 47 C.F.R. §1.41, the State of Indiana hereby moves the Commission for dismissal of Alliance Contact Services, *et al.*’s Joint Petition for Declaratory Ruling that the FCC has Exclusive Regulatory Jurisdiction Over Interstate Telemarketing with respect to certain provisions of the Indiana Revised Statutes and Indiana Administrative Code. Alliance Contact Services’ Joint Petition is jurisdictionally barred by the Eleventh Amendment. The State is not, by filing this motion, submitting itself to the jurisdiction of the Commission, and it expressly reserves the right to argue the merits of the dispute in other filings before the Commission or in an appropriate forum.

Respectfully submitted,

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