

# TelLAWCom Labs Inc.

100 Ovilla Oaks Drive, Suite 200  
Ovilla, TEXAS, 75154  
(214) 888-1300  
[www.tellawcomlabs.com](http://www.tellawcomlabs.com)

June 13, 2011

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW, Rm. TW-A325  
Washington, D.C. 20554

**Re: Application of AT&T and Deutsche Telekom AG (Applicants) for Consent to Assign or Transfer Control of Licenses and Authorizations (WT Docket No. 11-65)**

Dear Ms. Dortch:

In its PETITION TO DENY, TelLAWCom Labs Inc. asked whether Merger Conditions would be part of the AT&T / T-Mobile merger. Applicants' Response has done little to assuage our concerns.

Applicant claims that *"None of these allegations is even arguably merger-specific."*<sup>1</sup> We beg to differ. The FCC and other governmental bodies have broad jurisdiction to investigate Applicants' past history as part of the approval process. AT&T refers to TelLAWCom Labs Petition to Deny as *"cursory allegations"* and states *"In short, these claims have no merit."* To us this proves that the Applicants just don't get it. Indeed, *all* potentially-negative effects of this Merger should be investigated as part of due diligence. Minor procedural issues raised by Applicant, such as Affidavits, are irrelevant.<sup>2</sup>

*"Mr. Wrobel, who is essentially in the business of filing claims against AT&T, apparently is using this merger proceeding to support his consulting business."*<sup>3</sup> In reply please refer to the first page of our May 30, 2011 Petition to Deny. We clearly stated TelLAWCom Labs is a consultancy. More importantly we stated that we are in business due in large part to *AT&T's conduct with regard to its past commitments*. The expansive history provided to underscore this point did not magically materialize by itself.

In summary, nothing in the Applicants' Response addressed Merger Conditions or track record on past guarantees. The only Reply found was in *Miscellaneous Issues*, suggesting the issue as an afterthought to the Applicants. In a \$39 billion deal, merger commitments and preconditions are not afterthoughts, they are indispensable tools to protect the public welfare. They should be stipulated, monitored, and enforced.

Yours truly,



Leo A. Wrobel, President and CEO  
TelLAWCom Labs Inc.  
Voice: (214) 888-1300 \* Fax: (888) 775-1520  
[leoprivate@tellawcomlabs.com](mailto:leoprivate@tellawcomlabs.com)

<sup>1</sup> Applicants Response Pg. 228.

<sup>2</sup> Our understanding is that Affidavits are not necessarily in order to file comments, oppositions, or whistle-blower reports.

<sup>3</sup> Please note in its 5/20/2011 Response to AT&T *Objection to Confidentiality* TelLAWCom Labs stated it has no business or financial interest *whatsoever* in any major wireless carrier in competition with the Applicants.

# Certificate of Service

I hereby certify that I caused true and correct copies of the foregoing to be served as follows, commensurate with the filing of this Petition with the FCC:

**Via electronic mail to:**

Best Copy and Printing Inc.  
[FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM)

Kathy Harris  
Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
[Kathy.harris@fcc.gov](mailto:Kathy.harris@fcc.gov)

Kate Matraves  
Spectrum and Competition Policy Division  
Wireless Telecommunication Bureau  
Federal Communications Commission  
[Catherine.matraves@fcc.gov](mailto:Catherine.matraves@fcc.gov)

Jim Bird  
Office of General Counsel  
Federal Communications Commission  
[Jim.bird@fcc.gov](mailto:Jim.bird@fcc.gov)

**Via U.S. Mail to:**

Peter J. Schildkraut  
Arnold and Porter LLP  
555 Twelfth Street NW  
Washington DC 20004  
*Outside Counsel to AT&T Inc.*

Nancy J. Victory  
Wiley Rein LLP  
1776 K Street NW  
Washington DC 20006  
*Outside Counsel to T-Mobile USA*