



Law Offices of Bennet & Bennet, PLLC

Maryland

4350 East West Highway, Suite 201
Bethesda, Maryland 20814
Tel: (202) 371-1500
Fax: (202) 371-1558
www.bennetlaw.com

District of Columbia

10 G Street NE, Suite 710
Washington, DC, 20002

Caressa D. Bennet
Michael R. Bennet
Marjorie G. Spivak*
Kenneth C. Johnson†
Howard S. Shapiro
Daryl A. Zakov‡
Robert A. Silverman
Anthony K. Veach§

Of Counsel

Andrew Brown*

*Admitted in DC & PA Only

†Admitted in DC & VA Only

‡Admitted in DC & WA Only

§Admitted in DC & ME Only

¶Admitted in DC & FL Only

REDACTED – FOR PUBLIC INSPECTION

October 18, 2011

Marlene H. Dortch, Secretary (VIA HAND DELIVERY)
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Notice of Ex Parte
Applications of AT&T and Deutsche Telekom AG for Consent to Assign or
Transfer Control of Licenses and Authorizations, WT Docket No. 11-65**

Dear Ms. Dortch:

On Friday, October 14, 2011, the undersigned and Daryl Zakov representing the Rural Telecommunications Group, Inc. (“RTG”)¹ met with Mr. Mark Stone, Legal Advisor to FCC Commissioner Copps, to discuss AT&T, Inc.’s (“AT&T”) proposed acquisition of T-Mobile USA, Inc. (“merger”).

RTG met with Mr. Stone to discuss the Highly Confidential information submitted by AT&T which evidences anti-competitive actions taken by AT&T against RTG’s members that are contrary to the public interest. RTG emphasized that the actions described in the Highly Confidential documents were taken to the detriment of AT&T’s own subscribers. If the proposed merger is approved, AT&T will be able to continue these actions by further escalating the public interest harms that have been previously identified by RTG. This *ex parte* summarizes the actions of AT&T discussed in the October 14 meeting.

[BEGIN HIGHLY CONFIDENTIAL INFORMATION]

¹ RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education in a manner that best represents the interests of its membership. RTG’s members have joined together to speed delivery of new, efficient, and innovative telecommunications technologies to the populations of remote and underserved sections of the country. RTG’s members are small, rural businesses serving or seeking to serve secondary, tertiary, and rural markets. RTG’s members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies and each serves less than 100,000 subscribers.

REDACTED – FOR PUBLIC INSPECTION

REDACTED – FOR PUBLIC INSPECTION

REDACTED – FOR PUBLIC INSPECTION

REDACTED – FOR PUBLIC INSPECTION

[END OF HIGHLY CONFIDENTIAL INFORMATION]

Hearing Designation Order

Consistent with RTG's position in this proceeding, RTG pressed for the Commission to conduct an evidentiary hearing pursuant to Section 309(e) of the Communications Act since the Commission has been unable to determine that the merger is in the public interest.² RTG informed Mr. Stone that it is prepared to go to hearing to submit additional evidence on all substantial and material issues of fact raised in its Petition to Deny. Additionally, RTG advised that it is prepared to submit evidence, witnesses, and further information showing why the proposed merger is not in the public interest. RTG also informed Mr. Stone that the Commission needs to be fully aware of all instances where AT&T has used its current market dominance to harm RTG's member companies who are AT&T's competitors and that AT&T has already weakened smaller, rural carriers, by using its market dominance in the wholesale roaming market to the detriment of the public interest. Allowing AT&T to acquire T-Mobile and have a monopoly on the GSM wholesale market will further enable AT&T to exert its market dominance both domestically and internationally.

Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,

By:



Caressa D. Bennet

cc: Kate Dumouchel, Counsel of AT&T, Inc.
Mark Stone, Legal Advisor, Commissioner Copps

² 47 U.S.C. § 309(e); *see* RTG Petition to Deny at p. 37.