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June 14, 2011

VIA EMAIL

Ruth Milkman, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Letter Request for Information from Cellular South, Inc.
WT Docket No. 11-65

Dear Ms. Milkman:

Reference is made to your letter of June 6, 2011 to Eric Graham of Cellular South, Inc. ("Cellular South") and my partner, David Nace, as well as to WT Docket No. 11-65, which the Bureau opened to adjudicate the applications of AT&T Inc. ("AT&T") and Deutsche Telekom AG ("DT") for Commission consent to the transfer of control of T-Mobile USA. Your letter essentially propounded written interrogatories and requests for the production of documents on Cellular South.

On May 31, 2011, Cellular South filed a petition to deny the AT&T/DT applications pursuant to § 309(d)(1) of the Communications Act of the 1934, as amended ("Act"). Employing the so-called *Chevron* step one analysis, Cellular South argues in its petition that the *ad hoc* procedures employed by the Bureau in Docket 11-65 violate the Commission's statutory duty to execute and enforce the provisions of §§ 308, 309 and 310(d) of the Act. Cellular South would effectively waive its statutory argument if it acquiesced to the Bureau's discovery requests.

Cellular South cannot comply with the Bureau's discovery requests unless it receives assurances that the Commission will not assert Cellular South's responses to the requests as a waiver of its statutory argument or as acquiescence to the procedures the Bureau adopted for Docket 11-65. Moreover, the Bureau proposes to protect the confidentiality of information it

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seeks from Cellular South under protective orders that Cellular South has challenged as unlawful. If that challenge is successful, the confidential information that Cellular South provides would be left unprotected. Cellular South simply cannot produce its confidential business information without appropriate protections. We would appreciate any suggestions you have for resolution of Cellular South's two concerns.

A copy of this letter will be filed electronically in Docket No. 11-65.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Russell D. Lukas".

Russell D. Lukas

cc: Kathy Harris
Kate Matraves
Jim Bird
David Krech
Peter Schildkraut
Scott Feira
Nancy Victory