

REDACTED FOR PUBLIC INSPECTION

October 12, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: WT 11-65, Applications of AT&T Inc. and Deutsche Telekom AG For Consent To
Assign or Transfer Control of Licenses and Authorizations

Dear Ms. Dortch:

This letter is to provide the Commission with further examples of what, in Public Knowledge's view, constitute an overuse of confidentiality by AT&T in this merger proceeding. Fundamentally, PK believes that a large proportion of the data for which confidential or highly confidential treatment is claimed, falls short of the standard the Commission follows (i.e., that parties may claim confidential treatment for information that the government would not be required to disclose to third parties under a FOIA request if it chose to invoke exemption 4, 5 U.S.C. § 552(b)(4)). *Cf. National Parks and Conservation Ass'n v. Kleppe*, 547 F.2d 673, 680-81 (D.C. Cir. 1976) ("conclusory and generalized allegations" cannot support nondisclosure under (b)(4)). This letter, however, is not intended to give every example of sealed information that fails to meet the correct legal standard. Rather, more narrowly, it provides examples of information that is *already public*, but for which confidential treatment, nevertheless, is claimed. Even if AT&T would prefer for this information not to be public, it is, and claiming confidential treatment for information that is already widely known is needlessly obfuscatory. Information is already public, *a fortiori*, is not a trade secret or confidential, and should be immediately unsealed.

[Begin confidential information]

REDACTED FOR PUBLIC INSPECTION

[End Confidential Information]

These examples show a practice of claiming confidential treatment for data that do not merit such protection. Consistent with PK's earlier filings, the Commission should remedy this problem by declassifying certain vital information (particularly AT&T's "models") and establishing a procedure by which other parties can challenge the confidentiality of information.

Respectfully submitted,

/s John Bergmayer
Senior Staff Attorney
PUBLIC KNOWLEDGE