



SIDLEY AUSTIN LLP
1501 K STREET, N.W.
WASHINGTON, D.C. 20005
(202) 736 8000
(202) 736 8711 FAX

jbendernagel@sidley.com
(202) 736 8136

BEIJING	HONG KONG	SAN FRANCISCO
BOSTON	HOUSTON	SHANGHAI
BRUSSELS	LONDON	SINGAPORE
CHICAGO	LOS ANGELES	SYDNEY
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FOUNDED 1866

December 22, 2014

Via Hand Delivery

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20054

Re: AT&T Corp. v. All American Telephone Co., et al., EB-09-MD-010

Dear Ms. Dortch:

Pursuant to Section 1.726 of the Commission’s Rules, 47 C.F.R. § 1.727, AT&T Corp. (“AT&T”) submits for filing the Confidential Version of its Reply Legal Analysis in Support of Supplemental Complaint of AT&T for Damages and in Response to Defendants’ Legal Analysis, Affirmative Defenses, Motion to Dismiss, and Petition for Declaratory Ruling (“Legal Analysis”). The Legal Analysis is part of a series of documents that AT&T is filing with the Commission today in reply to the answering submission of Defendants All American Telephone Co., Inc., e-Pinnacle Communications, Inc., and ChaseCom (collectively, “Defendants”). AT&T is filing the other documents, none of which contain confidential information, as well as a Public Version of the Legal Analysis, on the Commission’s Electronic Comment Filing System (“ECFS”).

REQUEST FOR CONFIDENTIAL TREATMENT

In accordance with Section 0.459 of the Commission’s Rules, 47 C.F.R. § 0.459, AT&T hereby requests that the enclosed Confidential Version of the Legal Analysis be treated as confidential and withheld from public inspection. In the Legal Analysis that Defendants’ submitted in connection with their Answer to AT&T’s Supplemental Complaint, Defendants referenced a confidential settlement agreement between AT&T and Beehive Telephone Company, Inc. (“Beehive”) and redacted, as Confidential, certain portions of their Legal Analysis discussing that settlement agreement. In its Reply Legal Analysis, AT&T has responded to Defendants’ discussion of that settlement agreement. As a consequence, certain portions of the Legal Analysis contain confidential information relating to that settlement agreement. As detailed below, this request satisfies the standards set forth in Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457, 0.459.

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In accordance with Section 0.459(b) and in support of its request, the Parties provide the following information:

(1) Identification of Confidential Materials: The information is identified as confidential when it appears within the submission, and pages containing confidential information have been marked: **“DO NOT RELEASE – NOT FOR INCLUSION IN THE PUBLIC RECORD.”**

(2) Identification of the Circumstances Giving Rise to the Submission: The Legal Analysis, including the confidential information therein, is being submitted pursuant to Section 1.726 of the Commission’s Rules, 47 C.F.R. § 1.726.

(3) Degree to Which the Information is Commercial or Financial: The Confidential Version includes information related to the terms of a confidential settlement agreement negotiated by AT&T and Beehive regarding disputed access charges. It is not the type of information that AT&T would make publicly available in the ordinary course of business.

(4) Degree to Which the Information Concerns a Service Subject to Competition: The Confidential Version of the Legal Analysis is directly related to AT&T’s provision of interstate telecommunications services. AT&T provides such services in a highly competitive telecommunications market, and is subject to intense competition from numerous other carrier throughout the country.

(5) How Disclosure of the Information Could Result in Substantial Competitive Harm: Disclosure of the confidential information could result in substantial competitive harm to AT&T and to Beehive. Their competitors could use this commercially sensitive information to seek to establish a competitive advantage. Further, disclosure of this information would discourage parties from entering settlement agreements contrary to the Commission’s position in favor of settlement.

(6) Measures Taken to Prevent Disclosure: AT&T has redacted the confidential information from the Public Version of the Legal Analysis.

(7) Public Availability and Third Party Disclosure: The designated information has not been made available to the public and has not been provided to third parties except pursuant to a protective order.

(8) Justification of the Requested Duration of Non-Disclosure: AT&T requests that the confidentiality of the Confidential Version of the Legal Analysis be maintained for an indefinite period.

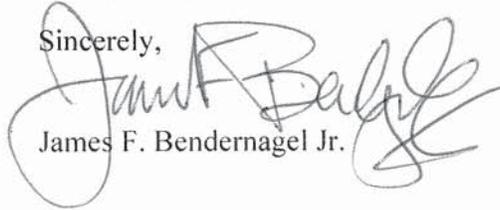
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For the foregoing reasons, AT&T requests that the designated information be treated as confidential pursuant to the Commission's Rules and not subject to public inspection.

AT&T provides herewith a complete, signed original and two complete paper copies of the Confidential Version of the Legal Analysis. In addition, copies of both the Public and Confidential Versions of the submission are being provided electronically to the Enforcement Bureau and Defendants' counsel.

Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James F. Bendernagel Jr.", written over the typed name.

James F. Bendernagel Jr.

Enclosures