

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
WORLDCALL INTERCONNECT, INC.)	
a/k/a EVOLVE BROADBAND,)	
Complainant)	File No. EB-14-MD-011
)	
v.)	
)	
AT&T MOBILITY LLC,)	
Defendant)	

AGREED ORDER

Adopted: December 18, 2014

Released: December 18, 2014

By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On October 1, 2014, Worldcall Interconnect, Inc. (“WCX”), filed a Formal Complaint under the Federal Communications Commission’s (the “Commission”) data roaming rules against AT&T Mobility LLC (“AT&T”) (together, the “Parties”). In that connection, WCX sought, among other things, copies of AT&T’s data roaming agreements with other wireless providers.
2. On November 5, 2014, AT&T filed its Answer to the Formal Complaint (the “Answer”). As part of that filing, AT&T objected to WCX’s discovery request on grounds that AT&T had provided more than sufficient information regarding its data roaming agreements with other wireless providers.
3. On November 15, 2014, WCX filed a Motion to Strike (the “Motion”) two categories of information from AT&T’s Answer. First, WCX claims that AT&T included information in its Answer in violation of 5 U.S.C. § 574(b) and 47 C.F.R. § 1.731(c) and requests, among other things, that the information be redacted from the public version of AT&T’s Answer. Second, WCX requests that the Commission strike any reference to the specific terms of—or, alternatively, to compel the production of—AT&T’s dozens of data roaming agreements with other wireless providers.
4. On November 21, 2014, AT&T filed its Opposition to the Motion (the “Opposition”). As to the first aspect of WCX’s Motion, AT&T contends that the information included in its Answer is not confidential and that WCX never requested that it be treated as such. Regarding WCX’s second point, AT&T asserts that it has provided substantial information regarding its data roaming agreements with other wireless providers, which AT&T contends is sufficient to demonstrate that AT&T’s proposal to WCX is commercially reasonable. AT&T also points out that the information contained in these agreements is Highly Confidential, and that the agreements generally contain provisions restricting AT&T’s ability to produce this information absent a Commission order.

5. Consistent with the Commission's October 9, 2014 scheduling order, the Parties discussed these issues and agreed to submit their Joint Motion resolving WCX's Motion and the associated discovery. In that connection, the Parties explain that entry of this Agreed Order would conserve resources and speed the disposition of this proceeding. We find there is good cause to enter this Agreed Order, and therefore grant the Parties' Joint Motion.

6. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208, of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.106, and 1.717-1.736 of the Commission's Rules, 47 C.F.R. §§ 1.3, 1.106, 1.717-1.736, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the Joint Motion is hereby GRANTED. It is further ORDERED as follows:

- a. AT&T shall, within two (2) business days of the entry of this Agreed Order, notify its counterparties of (i) WCX's request for production of the data roaming agreements and (ii) the existence of this Agreed Order;
- b. AT&T's counterparties shall have five (5) business days from the date of notification to object to the production of the agreements by emailing the Commission's Enforcement Staff (Lisa Boehley (Lisa.Boehley@fcc.gov), Lisa Saks (Lisa.Saks@fcc.gov), and Sandra Gray-Fields (Sandra.Gray-Fields@fcc.gov)) with the Subject line "Worldcall Interconnect, Inc. v. AT&T Mobility LLC, File No. EB-14-MD-011" and setting forth the (i) counterparty's name, (ii) title and date of the applicable agreement, and (iii) basis of the counterparty's objection. AT&T's counterparties shall copy counsel for AT&T James Bendernagel (jbendernagel@sidley.com) and counsel for Worldcall Matthew Henry (henry@dotlaw.bizon) on any such emails to Commission staff, and counsel for AT&T shall file in this proceeding a copy of any emails submitted by AT&T's counterparties within one business day of receipt of the email.
- c. If no counterparties so object, AT&T shall produce to WCX, on a Highly Confidential basis under the Parties' Protective Order, copies of the agreements within three (3) business days of the close of the notice period;
- d. WCX's right to challenge AT&T's designation of the agreements as Highly Confidential shall be preserved;
- e. AT&T shall redact all references to the alleged mediation information in the public version of its Answer; and
- f. WCX's Motion is deemed withdrawn.

FEDERAL COMMUNICATIONS COMMISSION



Lisa Saks, Deputy Chief
Market Disputes Resolution Division
Enforcement Bureau