

Before the  
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of

AT&T MOBILITY LLC  
1055 Lenox Park Blvd. NE  
Atlanta, GA 30319  
404-236-7895

*Complainant,*

v.

IOWA WIRELESS SERVICES, LLC  
4135 NW Urbandale Drive  
Urbandale, IA 50322

*Defendant.*

Proceeding No 15-259

File No. EB-15-MD-007

**JOINT STATUS REPORT AND MOTION FOR RULING**

Pursuant to the Commission's November 17, 2015 Letter Order, AT&T Mobility LLC ("AT&T") and Iowa Wireless Services, LLC ("iWireless") (together, the "Parties") submit this Joint Status Report addressing the (i) exchange and filing of Best and Final Offers, (ii) proposed redactions of certain information from the current complaint, and (iii) use of arbitration materials in the complaint proceeding. Because the Parties have reached an agreement on a proposed order of procedure as a result of the discussions fostered by the Staff, the Parties also request a ruling from the Staff approving the proposal.

## **I. BEST AND FINAL OFFERS**

Consistent with the Letter Order, the Parties are submitting Best and Final Offers today. Because the offers are confidential, the Parties are filing them by hand with the Secretary, and only the transmittal letter for each offer will be filed on the Commission's electronic filing system. The Parties are also providing copies of the confidential Best and Final Offers by email to each other and to Commission Staff.

## **II. PROPOSED REDACTIONS**

Consistent with the Commission's Letter Order, the Parties have conferred to attempt to reach a stipulation regarding what information should be excluded from the current record under the confidentiality rules governing the mediation. While the Parties have been unable to reach agreement on the specific portions of the Complaint that should be redacted, both Parties agree that, with today's submission of Best and Final Offers, it is all but certain that the current Complaint is either going to have to be amended or otherwise revised. That being the case, spending additional time discussing redactions of material from the current Complaint would not appear to be productive.

In recognition of this reality, the Parties propose the following:

- A. Upon receipt of the Best and Final Offers, the Parties will consult and try to reach agreement on a proposed schedule for the filing of (i) AT&T's amended or revised complaint, (ii) iWireless' answer, and (iii) AT&T's reply.
- B. By Friday December 11<sup>th</sup>, the Parties will submit a joint letter either setting forth the schedule they agreed to, or, if they cannot agree, setting forth in turn individual proposals by AT&T and iWireless as to the proposed schedule to be adopted by Commission Staff for this proceeding.

- C. Consistent with the schedule approved by Commission Staff, AT&T will file either an amended or revised complaint that addresses the Best and Final Offers.
- D. iWireless' Motion to Compel AT&T Compliance with Confidentiality Orders and for Related Relief will be held in abeyance pending submission of AT&T's amended or revised complaint. To the extent the specific references in the current Complaint to which iWireless' Motion was directed are removed from AT&T's amended or revised complaint, the iWireless Motion to Compel will be withdrawn.

The parties respectfully request an order approving the proposed procedure. A proposed Order is attached.

**III. ARBITRATION RECORD**

Consistent with the Commission's Letter Order, the Parties have conferred and reached agreement that the following documents from the arbitration will be assembled and filed with the Commission in an indexed, tabbed binder in the Complaint proceeding:

**[BEGIN CONFIDENTIAL]**



**[END CONFIDENTIAL]**

The Parties agree these materials will retain the same confidentiality status that they had in the arbitration proceeding. The Parties further agree that any evidentiary objections to the use of these materials in the complaint proceeding are preserved.

Respectfully submitted,

*/s/ Carl W. Northrop*

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*/s/ James F. Bendernagel, Jr.*

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*Counsel for AT&T Mobility LLC*

Dated: December 4, 2015

# **PROPOSED ORDER**

Before the  
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**[PROPOSED] ORDER**

Adopted: \_\_\_\_\_, 2015

Released: \_\_\_\_\_, 2015

By the \_\_\_\_\_, Market Disputes Resolution Division, Enforcement Bureau:

1. On December 4, 2015, Iowa Wireless Services, LLC (“iWireless”) and AT&T filed a Joint Status Report and Motion for Ruling addressing the (i) exchange and filing of Best and Final Offers, (ii) proposed redactions of certain information from the current complaint, and (iii) use of arbitration materials in the complaint proceeding. Because the Parties have reached an agreement on a proposed order of procedure as a result of the discussions fostered by the Staff, the Parties also requested a ruling from the Staff approving the proposed order of procedure.
2. The Motion for Ruling is hereby **GRANTED** and the proposal detailed therein is approved as follows:
  - A. Upon receipt of the Best and Final Offers, the Parties will consult and try to reach agreement on a proposed schedule for the filing of (i) AT&T’s amended or revised complaint, (ii) iWireless’ answer, and (iii) AT&T’s reply.
  - B. By Friday December 11<sup>th</sup>, the Parties will submit a joint letter either setting forth the schedule they agreed to, or, if they cannot agree, setting forth in turn

individual proposals by AT&T and iWireless as to the proposed schedule to be adopted by Commission Staff for this proceeding.

- C. Consistent with the schedule approved by Commission Staff, AT&T will file either an amended or revised complaint that addresses the Best and Final Offers.
- D. iWireless' Motion to Compel AT&T Compliance with Confidentiality Orders and for Related Relief will be held in abeyance pending submission of AT&T's amended or revised complaint. To the extent the specific references in the current Complaint to which iWireless' Motion was directed are removed from AT&T's amended or revised complaint, the iWireless Motion to Compel will be withdrawn.

FEDERAL COMMUNICATIONS COMMISSION

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Market Disputes Resolution Division, Enforcement Bureau