

January 13, 2006

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room Twb204
Washington, DC 20554

Dear Ms. Dortch:

**Re: Confidential T-Mobile USA Documents
WT Docket Nos. 05-193, 05-194, Petition for Declaratory Ruling Filed by
CTIA Regarding Whether Early Termination Fees Are “Rates Charged”
Within 47 U.S.C. Section 332(C)(3)(A).**

Dear Ms. Dortch:

On December 28, 2005, the Wireless Consumers Alliance (“WCA”), which is a plaintiff in a California state court case against T-Mobile USA and other wireless providers, *In re CellPhone Termination Fee Cases*, J.C.C.P. 4332 (Superior Court of California, County of Alameda), submitted a letter indicating that it was filing confidential documents in the above-captioned proceedings. T-Mobile and other wireless providers produced these documents to WCA pursuant to a protective order and the California judge’s mandatory discovery orders.

WCA stated that the documents it submitted are “believed to be confidential” and requested confidential treatment for such documents pursuant to 47 C.F.R. § 0.457(d)(2) & 47 C.F.R. § 0.459(b). However, WCA did not serve T-Mobile with a copy of this submission, nor did it inform T-Mobile which of its confidential documents were submitted. When T-Mobile’s counsel in the California litigation requested that WCA provide a list of the T-Mobile documents and deposition testimony that were submitted to the Commission, WCA refused.

To ensure that the procedures set forth in the Court’s order are adhered to and that no T-Mobile proprietary information is disclosed publicly, T-Mobile respectfully requests that the Commission inform the undersigned counsel if any documents submitted by plaintiffs are stamped with “TMOXXXXX,” which identifies the document as a T-Mobile document. In addition, T-Mobile requests that the Commission inform it if any deposition testimony was submitted from witnesses Pat Knowlton, Joseph Mallahan, William Steele and Craig Van Devender, who are T-Mobile employees. If such T-Mobile documents or deposition testimony have been submitted, then T-Mobile also requests that: (1) the Commission provide a list of all bates numbers that are stamped “TMO” and a list of the pages of the foregoing witnesses’

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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Ms. Marlene Dortch

January 13, 2006

Page 2

deposition transcripts or (2) the Commission permit a representative from T-Mobile to review the "TMO" documents and deposition testimony to identify the T-Mobile documents and testimony that were submitted.

Pending T-Mobile's review of the documents and deposition testimony, T-Mobile asks that the Commission keep the documents confidential and withheld from public disclosure. T-Mobile apologizes for any burden its request may place on the Commission, but notes that WCA's failure to cooperate either by identifying to or serving on T-Mobile the submitted documents has made it impossible for T-Mobile to protect its interests in any other way. We appreciate your attention to this matter.

Respectfully submitted,

/s/

Sara F. Leibman

cc Sam Feder, Acting General Counsel
Matthew Berry, Acting Deputy General Counsel
Joel Kaufman, Deputy Associate General Counsel
James R. Hobson, Counsel for WCA
Alan R. Plutzik, Counsel for plaintiffs
L. Timothy Fisher, Counsel for plaintiffs
J. David Franklin, Counsel for plaintiffs