

January 18, 2006

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
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:

T-Mobile USA, Inc. thanks the Commission for expeditiously providing the bates numbers of the T-Mobile confidential documents that plaintiffs’ counsel filed with the FCC in the above-referenced docket. As T-Mobile noted in its January 13, 2006 letter, plaintiffs received such documents pursuant to discovery in a pending California state court litigation against T-Mobile and other wireless providers, *In re CellPhone Termination Fee Cases*, J.C.C.P. 4332 (Superior Court of California, County of Alameda). The judge subsequently modified the protective order to permit plaintiffs to file documents obtained during discovery with the Commission, subject to certain conditions.

The Commission’s January 17, 2006 response indicated that, in addition to filing copies of confidential T-Mobile documents, plaintiffs also submitted a nine-page legal argument that references T-Mobile and its confidential documents. T-Mobile hereby requests a copy of WCA’s legal argument. For the same reasons that the Commission recognized that T-Mobile was authorized to be informed about its confidential documents that were submitted by WCA, it is appropriate to provide T-Mobile with the WCA pleading that references such documents. Specifically, review of WCA pleading is necessary for T-Mobile to ensure that the confidentiality of the documents cited by WCA is protected. In addition, for the Commission to engage in reasoned decision-making, T-Mobile should be given a meaningful opportunity to respond to the conclusions that WCA presumably draws from T-Mobile’s confidential documents.

T-Mobile’s request comports fully with the protective order in the California litigation, which permits outside counsel to view confidential information of other co-defendants. In the

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

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alternative, the Commission could redact other carriers' confidential information in the version of the WCA pleading it provides to T-Mobile.

Please feel free to contact me if you have questions or would like to discuss 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