



October 20, 2006

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW B204  
Washington, DC 20554

Re: Ex parte communication  
AT&T Inc., and BellSouth Corporation Applications for Approval of Transfer of  
Control, WC Docket No. 06-74 (DA 06-2035)

Dear Ms. Dortch:

Included in the record of this proceeding are the Comments and Reply Comments filed by the National Association of State Utility Consumer Advocates<sup>1</sup> (“NASUCA”). Resource limitations may preclude NASUCA’s submission of additional comments concerning conditions proposed by AT&T and BellSouth as described in the Public Notice dated October 13, 2006.

Nonetheless, as directly relevant to the AT&T-BellSouth merger under consideration by the Commission, NASUCA attaches here its Reply and the Declaration of its expert, Dr. Lee L. Selwyn, filed September 5, 2006 in the United States District Court for the District of Columbia.<sup>2</sup> NASUCA has been granted *amicus* status in that ongoing Tunney Act review of the SBC-AT&T and Verizon-MCI mergers.<sup>3</sup>

---

<sup>1</sup> NASUCA is a non-profit, national association organized in 1979, whose members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. NASUCA members operate independently from state utility commissions, primarily as advocates for residential ratepayers, although some members also represent small business ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (*e.g.*, the state Attorney General’s office). Associate and affiliate NASUCA members also serve utility consumers, but have not been created by state law or do not have statewide authority.

<sup>2</sup> Not included here are the voluminous attachments to Dr. Selwyn’s Declaration.

<sup>3</sup> *United States of America v. SBC Communications, Inc. and AT&T Corp.*, (CA-1:05 CV02102) and *United States v. Verizon Communications, Inc., and MCI, Inc.* (CA-1:05CV2103).

Ms. Marlene Dortch  
October 20, 2006  
Page 2

Attention is drawn to the discussion of the BellSouth merger included in the Conclusion of the Selwyn Declaration found at Page 72, Par. 68 *et seq.* Attention is also drawn to Dr. Selwyn's discussion beginning at Page 67, Par. 62, of the various and substantial competitive harms that were not remedied by conditions imposed by the Commission in its approval of those mega-mergers, harms that would be compounded by approval of the AT&T-BellSouth proposed merger.

NASUCA continues to believe that no conditions will adequately protect the public interest regarding this merger.<sup>4</sup> On balance, however, if the Commission feels compelled to approve this merger, it appears from the residential consumer perspective, that **at minimum** the Commission should adopt the "stringent and enforceable" conditions discussed by Consumer Federation of America ("CFA") and the New Jersey Division of the Ratepayer Advocate (NJRPA).<sup>5</sup>

Respectfully submitted,

/s/ David C. Bergmann

David C. Bergmann  
Assistant Consumers' Counsel  
Chair, NASUCA Telecommunications Committee  
[bergmann@occ.state.oh.us](mailto:bergmann@occ.state.oh.us)

Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, OH 43215-3485  
Phone (614) 466-8574  
Fax (614) 466-9475

NASUCA  
8380 Colesville Road, Suite 101  
Silver Spring, MD 20910  
Phone (301) 589-6313  
Fax (301) 589-6380

Attachments (2)

---

<sup>4</sup> See NASUCA Comments, COMPTTEL Comments, Rubin Comments, TWT Comments.

<sup>5</sup> CFA, et al. Comments at 8-9; NJRPA Comments at 22-23. The CFA, et al. conditions are described in detail in the joint affidavit of Dr. Mark N. Cooper and Dr. Trevor R. Roycroft; the NJRPA conditions are described in the joint affidavit of Susan M. Baldwin and Sarah M. Bosley.

Ms. Marlene Dortch  
October 20, 2006  
Page 3

CC: Chairman Kevin J. Martin ([Kevin.Martin@fcc.gov](mailto:Kevin.Martin@fcc.gov))  
Staff: Daniel Gonzalez ([Daniel.Gonzalez@fcc.gov](mailto:Daniel.Gonzalez@fcc.gov))  
Commissioner Michael J. Copps ([Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov))  
Staff: Jessica Rosenworcel ([Jessica.Rosenworcel@fcc.gov](mailto:Jessica.Rosenworcel@fcc.gov))  
Commissioner Jonathan S. Adelstein ([Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov))  
Staff: Scott Bergmann ([Scott.Bergmann@fcc.gov](mailto:Scott.Bergmann@fcc.gov))  
Commissioner Deborah Taylor Tate ([Deborah.Tate@fcc.gov](mailto:Deborah.Tate@fcc.gov))  
Staff: Aaron Goldberger ([Aaron.Goldberger@fcc.gov](mailto:Aaron.Goldberger@fcc.gov))  
Commissioner Robert M. McDowell ([Robert.McDowell@fcc.gov](mailto:Robert.McDowell@fcc.gov))  
Staff: John W. Hunter ([John.Hunter@fcc.gov](mailto:John.Hunter@fcc.gov))

Staff:

[Gary.Remondino@fcc.gov](mailto:Gary.Remondino@fcc.gov)  
[Nicholas.Alexander@fcc.gov](mailto:Nicholas.Alexander@fcc.gov)  
[William.Dever@fcc.gov](mailto:William.Dever@fcc.gov)  
[John.Branscone@fcc.gov](mailto:John.Branscone@fcc.gov)  
[David.Kreech@fcc.gov](mailto:David.Kreech@fcc.gov)