October 20, 2006

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th 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 ("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. NASUCA has been granted amicus status in that ongoing Tunney Act review of the SBC-AT&T and Verizon-MCI mergers.

1 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.

2 Not included here are the voluminous attachments to Dr. Selwyn’s Declaration.

3 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).
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. 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).

Respectfully submitted,

/s/ David C. Bergmann
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Attachments (2)

4 See NASUCA Comments, COMPTEL Comments, Rubin Comments, TWT Comments.
5 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.