

Congress of the United States
Washington, DC 20515

April 15, 2010

Chairman Julius Genachowski
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Atwell Baker

Re: WT Docket No. 09-119

Dear FCC Chairman and Commissioners:

The Commission currently has pending before it applications seeking approval for the divestiture of certain wireless properties by Verizon as ordered by the full FCC in its November 2008 decision. The sale of these properties raises a number of very important public interest issues and petitions have been filed against these applications that must be carefully considered by the FCC. The FCC's very important review of these applications is independent of and subject to different standards than any DOJ review. There cannot, and should not, be any rush to judgment, as these applications may represent some of the last significant divestitures of wireless properties in this country.

Accordingly, we ask that these applications be carefully reviewed by the full Commission and be considered only after a full and fair record has been developed. Furthermore, we believe that these matters warrant a public hearing so that the public may have an opportunity to be fully heard on the subject.


Member of Congress

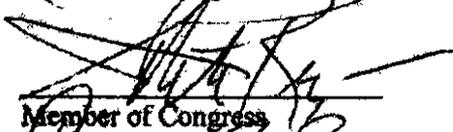

Member of Congress

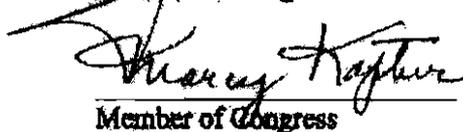

Member of Congress


Member of Congress

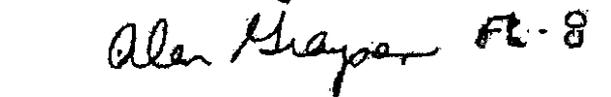

Member of Congress


Member of Congress


Member of Congress


Member of Congress

 Wi-84

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09-104

Congress of the United States

Washington, DC 20515

May 20, 2009

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The Honorable Michael Copps
Acting Chairman
Federal Communications Commission
445 12th Street SW, Room 8-B115
Washington, DC 20554

Dear Chairman Copps:

As members of the Congressional Black Caucus, we have been closely monitoring the presence of small, independent, economically disadvantaged, minority and women-owned businesses in the telecommunications industry. In this regard, the recent Verizon Wireless/Alltel merger serves as another example of our nation's continuing trend towards media consolidation and the resulting process of divesting assets to comply with the antitrust and ownership requirements on which the FCC and DOJ conditioned the approval of the \$28.1 billion merger has left opportunities for small businesses unrealized. We are disappointed that the merged companies have not sought to include small business bidders as they divest over \$2 billion of overlapping properties. It is our understanding that media behemoth AT&T has emerged as a primary contender for over \$1 billion of identified assets and that small, independent, economically disadvantaged, minority and women-owned businesses have not received due consideration in this process. Given that the FCC has authority under Section 310(d) of the Communications Act to determine when a merger is in the "public interest, convenience and necessity," the FCC should condition any divestiture approvals on Verizon's showing that it has sought bids from the aforementioned groups. Proceeding with divestitures that only shuffle assets among large media companies is inconsistent with the FCC's public interest mandate.

Prior to the current financial crisis, small, independent, economically disadvantaged, minority and women-owned businesses were already experiencing unique challenges in securing ownership opportunities in the telecommunications industry. The current environment has only exacerbated the situation. Transferring over \$1 billion of the required divestiture assets to AT&T, the second largest wireless carrier, from Verizon, the largest wireless carrier, only redistributes valuable assets from one large industry titan to another, harming consumers and competition while continuing to raise the bar to prohibit new entrants from entering this market. Therefore, we strongly urge the FCC and Department of Justice to encourage Verizon to open good faith negotiations with small business owners prior to migrating all or most of these valuable assets from one behemoth company to another resulting in further diminishment of opportunities for small business owners in our country. The divestiture of these properties by Verizon offers a tremendous opening to increase the public interest goals of diversity of ownership in the telecommunications industry while supporting small businesses in an economic environment that finds opportunities substantially reduced.

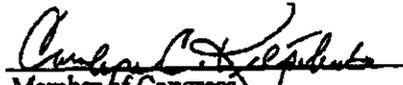
28 MAY 2009 RUD

While Congress and federal agencies may need to review impediments to market entry barriers for small, minority, women owned and independent businesses, we must continue to promote private industry outreach as it would illustrate an understanding and appreciation by large businesses of the concerns of Congress and the American public.

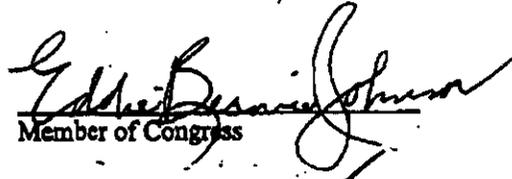
Thank you for your time and consideration. We look forward to your response.

Sincerely,


Member of Congress

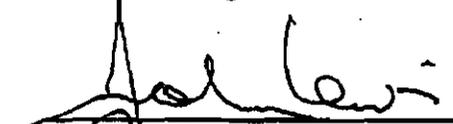

Member of Congress

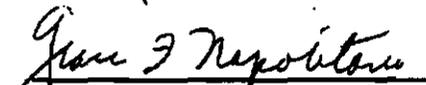

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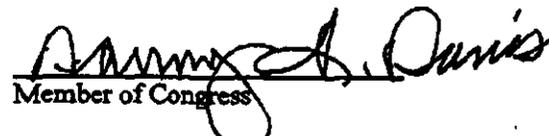

Member of Congress


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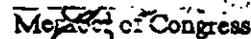

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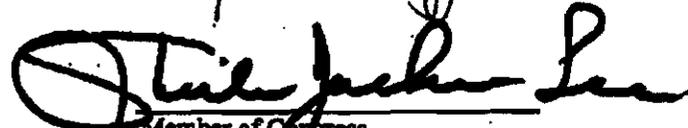

Member of Congress


Member of Congress


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Member of Congress


Member of Congress


Member of Congress


Member of Congress

Member of Congress

CC: Commissioner Jonathan Adelstein, Federal Communications Commission
Commissioner Robert McDowell, Federal Communications Commission

United States Senate

WASHINGTON, DC 20510

Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Martin:

We are writing regarding the Federal Communications Commission's review of the AT&T and BellSouth merger. We know that the process required cooperation and concessions from all sides involved. And we commend you and your fellow Commissioners for reaching a conclusion that won concessions from the merging firms to protect competition in the market for communications services.

We know that leaders from the Senate committees of jurisdiction, including Senator Kohl and Senator Inouye, advocated many of those protections. Wisely included among them, the agency compelled the companies to concede to the divestiture of telecommunications facilities in the 2.5 GHz and 2.3 GHz spectrum within twelve months of the closing date of the merger. Since the conclusion of that proceeding, House Ways and Means Chairman Charles Rangel has written the agency to encourage that the spectrum divestiture proceedings allow for small and minority owned businesses to participate in the bidding in a meaningful way.

As the players in the various markets for the delivery of communications services and access to the Internet continue to respond to a changing market, it is up to the FCC to constantly monitor and encourage a communications marketplace that leaves room for the expression of a diversity of viewpoints. Within that context, the agency should encourage diversity of ownership of the assets over which those viewpoints are delivered.

We appreciate your attention to this matter and look forward to working with the agency on this and other matters as innovations continue to drive dramatic change in the marketplace.

Sincerely,



Richard J. Durbin
U.S. Senator



Barack Obama
U.S. Senator

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 31, 2007

The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps, Commissioner
The Honorable Jonathan S. Adelstein, Commissioner
The Honorable Deborah Taylor Tate, Commissioner
The Honorable Robert M. McDowell, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

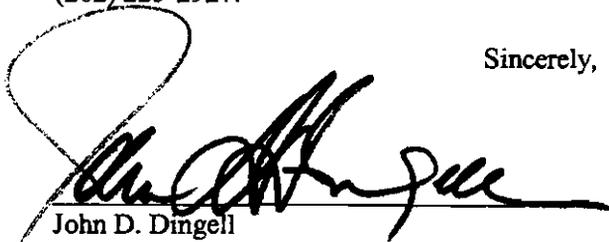
Dear Mr. Chairman and Commissioners:

We are writing to request your assistance in preparation for the Subcommittee on Telecommunications and the Internet oversight hearing on the Federal Communications Commission scheduled for Thursday, February 15, 2007.

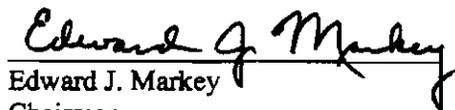
The Subcommittee's inquiry into the functioning and procedures of the Commission and the views of Commissioners on matters of policy and process would benefit greatly if each of you would respond to the enclosed pre-hearing questions by no later than 5:00 p.m. on Wednesday, February 7, 2007.

Thank you in advance for your time and attention to this request. If you have any questions, please contact us or have your staff contact Johanna Shelton of the Committee staff at (202) 225-2927.

Sincerely,



John D. Dingell
Chairman
Committee on Energy and Commerce



Edward J. Markey
Chairman
Subcommittee on Telecommunications
and the Internet
Committee on Energy and Commerce

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Fred Upton, Ranking Member
Subcommittee on Telecommunications and the Internet
Committee on Energy and Commerce

**Attachment to Letter dated January 31, 2007 from
Reps. Dingell and Markey to Federal Communications Commission (FCC)
Chairman and Commissioners**

Questions for Chairman Kevin J. Martin

1. On May 22, 2006, you wrote to then-Subcommittee Ranking Member Markey that the Commission was "unable to investigate" allegations that telecommunications carriers were disclosing personal phone records of consumers to the National Security Agency (NSA) in apparent contravention of Section 222 of the Communications Act and other laws. Your response noted "the classified nature" of NSA activities and the "statutory privilege" of the National Security Act, and referenced a pending motion to dismiss a case before the U.S. District Court for the Northern District of California.
 - A. Does the Commission possess personnel with sufficient security clearances to work with classified material? Has the Commission dealt with classified information and classified activities in the past?
 - B. Is it your belief that the National Security Act governs the ability of the FCC to commence an investigation into an alleged violation of the Communications Act by a telecommunications carrier, regardless of whether privileges may later affect the ability of the Commission to complete such investigation?
 - C. Given that the Commission relied in part on a motion to dismiss the case that subsequently was rejected by the court, does the Commission now plan on opening an investigation into whether telecommunications carriers disclosed phone records to the NSA in violation of the Communications Act?

Questions for Chairman Martin and Commissioner Tate

1. In your Joint Statement accompanying the Commission's News Release announcing approval of the AT&T-BellSouth merger, you stated as follows: "[t]here are certain conditions, however, that are not self-effectuating or cannot be accomplished by AT&T alone. To the extent Commission action is required to effectuate these conditions as a policy going forward, we specifically do not support those aspects of the conditions and will oppose such policies going forward."
 - A. When you stated that you "do not support" some of the merger conditions, did you mean that you voted against those conditions? If so, which condition or conditions did you not support or vote against?
 - B. If both of you did not support the same subset of merger conditions as implied in your Joint Statement, how is it that the AT&T-BellSouth merger is legally deemed approved?
 - C. What is your authority to vote to approve an order and then refuse to implement it? Please identify and describe the provisions of the Communications Act, sections of the FCC's rules and other legal authority, if any, supporting your answer.
 - D. You further stipulate in your Joint Statement that "a minority of Commissioners cannot alter Commission precedent or bind future Commission decisions, policies, actions, or rules." What is the "minority of Commissioners" to which you referred? On what basis did you determine that a "minority" existed for purposes of interpreting precedent or any future agency action?

Questions for All Federal Communications Commission Members

1. *Broadband Policy*

- A. What is your assessment of broadband deployment, access, and affordability in the United States? What steps would you support the Commission taking to make broadband services (a) more accessible; (b) more affordable and (c) more robust? Are there other actions you would recommend be taken to promote further broadband deployment?
- B. What is your assessment of the definitions and methodology the Commission uses to gauge broadband deployment, access, and affordability in the United States? Are there other actions you would recommend be taken to improve such definitions or methodologies?

2. *Wireless and Spectrum Policy*

- A. Do you believe the commercial mobile service market is more or less competitive than it was five years ago? Do you believe that consumers in the commercial mobile service market would benefit from additional competitors?
- B. What actions, if any, do you believe the Commission should take, consistent with the Communications Act, to avoid “excessive concentration of licenses” and to disseminate licenses “among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women”?
- C. What actions, if any, do you believe the Commission should take with regard to spectrum management?

3. *Digital Television Transition*

- A. What general steps can the Commission take to enhance the level of preparedness of our nation for the upcoming digital television transition (DTV) in February of 2009?
- B. What specific actions do you support the Commission taking with respect to the broadcasting, cable, programming content, manufacturing, or retail sector to enhance consumer education about the DTV transition?

4. *Overall Commission Policies*

- A. In each of the major areas of the Commission’s authority (e.g., wireline, wireless, universal service, broadcast radio and television, cable services, satellite, public safety, international), what actions, if any, do you believe the Commission should take?

5. *Commission Process and Functioning*

- A. What steps, if any, can the Commission take to enhance the depth and accuracy of its collection of data and analysis of affected industries?
- B. What steps, if any, can the Commission take to better prevent waste, fraud, or abuse in programs it administers?
- C. What steps, if any, can the Commission take to enhance communications with the public in rulemakings and adjudication proceedings before the Commission?

CHARLES B. RANGEL
15th CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE
WAYS AND MEANS
FINANCING MEMBER

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

2054 RAYBURN HOUSE OFFICE BUILDING
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DISTRICT OFFICE
MS. VIVIAN E. JONES
DISTRICT ADMINISTRATOR

180 West 128th Street
NEW YORK, NY 10027
TELEPHONE: (212) 903-1800

PLEASE REPLY TO
"HONOR CHECK"

January 8, 2007

The Honorable Deborah Taylor Tate
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Commissioner Tate:

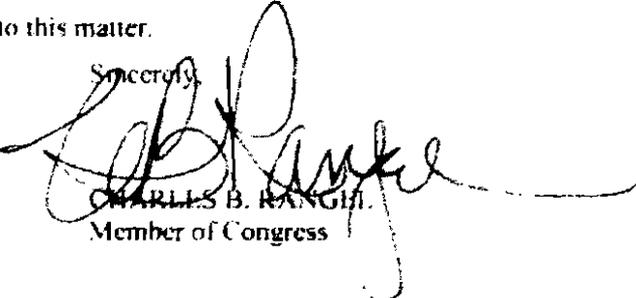
I want to follow-up on my previous correspondence regarding the Federal Communication Commission's review of the AT&T and BellSouth merger. While I am pleased that final concessions for approval include a divestiture of telecommunications facilities in the 2.5 GHz (Broadband Radio Service) and the 2.3 GHz (Wireless Communications Service) spectrum within twelve months of the closing date, I would strongly recommend that the Commission encourage these companies to give small business owners and socially disadvantaged groups a right of first negotiation for these properties. Such action would fall within the purview of the FCC's mandate to promote the public interest by ensuring diversity in ownership in the telecommunications industry and is an important policy during these unique times that have seen small businesses and socially disadvantaged groups ownership opportunities diminish substantially.

It is imperative that the Commission work to encourage companies such as the one resulting from the merger of AT&T and BellSouth to include small businesses at the table when they begin divestiture negotiations. Otherwise, large companies will continue to swap properties among themselves, eliminating opportunities for small business owners and socially disadvantaged groups to participate in the telecommunications marketplace and perhaps irreparably closing doors for small business stakeholders in this industry.

I would like to discuss this matter with you personally as you oversee the implementation of the terms associated with your approval of this merger.

Thank you for your attention to this matter.

Sincerely,


CHARLES B. RANGEL
Member of Congress

CBR:jrs

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE
WAYS AND MEANS

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

2354 RAULER DRIVE, SUITE 200, A.D.M.C.
WASHINGTON, DC 20515-3215
TELEPHONE: (202) 225-4366

DISTRICT OFFICE

MR. VIKRAM E. JONES
DISTRICT ADMINISTRATOR

183 WEST 128TH STREET
NEW YORK, NY 10027
TELEPHONE: (212) 609-3800

FAX: (212) 609-3800
OFFICE HOURS

January 8, 2007

The Honorable Robert M. McDowell
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Commissioner McDowell:

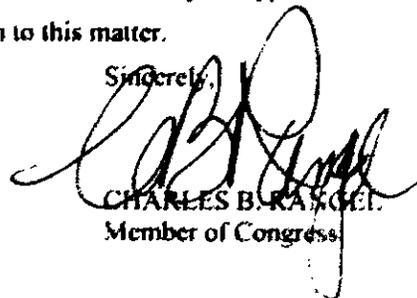
I want to follow-up on my previous correspondence regarding the Federal Communication Commission's review of the AT&T and BellSouth merger. While I am pleased that final concessions for approval include a divestiture of telecommunications facilities in the 2.3 GHz (Broadband Radio Service) and the 2.3 GHz (Wireless Communications Service) spectrum within twelve months of the closing date, I would strongly recommend that the Commission encourage these companies to give small business owners and socially disadvantaged groups a right of first negotiation for these properties. Such action would fall within the purview of the FCC's mandate to promote the public interest by ensuring diversity in ownership in the telecommunications industry and is an important policy during these unique times that have seen small businesses and socially disadvantaged groups ownership opportunities diminish substantially.

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I would like to discuss this matter with you personally as you oversee the implementation of the terms associated with your approval of this merger.

Thank you for your attention to this matter.

Sincerely,



CHARLES B. RANGEL
Member of Congress

CBR:jrs

CHARLES B. RANGEL
15th CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE
WAYS AND MEANS
REVENUE ISSUES

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

7304 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3015
TELEPHONE (202) 225-4365

CONTACT OFFICE
MS. VIVIAN E. JONES
DISTRICT ADMINISTRATOR

183 WEST 125TH STREET
NEW YORK, NY 10027
TELEPHONE (212) 683-3900

PLEASE RESPOND TO
OFFICE OFFICES

January 8, 2007

The Honorable Jonathan S. Adelstein
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Commissioner Adelstein:

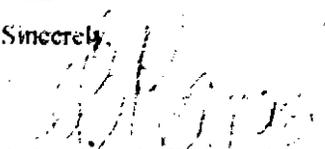
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Thank you for your attention to this matter.

Sincerely,


CHARLES B. RANGEL
Member of Congress

CBR:jrs

SENIOR DEMOCRATIC WHIP

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
RANKING MEMBER, SUBCOMMITTEE ON WATER RESOURCES & ENVIRONMENT
SUBCOMMITTEE ON AVIATION
SUBCOMMITTEE ON RAILROADS

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON RESEARCH
SUBCOMMITTEE ON ENERGY

DEMOCRATIC STEERING AND POLICY COMMITTEE

CHAIR, TEXAS DEMOCRATIC DELEGATION

CONGRESSIONAL BLACK CAUCUS
CHAIR, 107TH CONGRESS



Eddie Bernice Johnson
Congress of the United States

30th District, Texas

October 30, 2006

06-74

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FCC - MAILROOM

PLEASE RESPOND TO:

WASHINGTON OFFICE:
1511 LONGWORTH BUILDING
WASHINGTON, DC 20515-4330
(202) 225-8885

DALLAS OFFICE:
9100 MAPLE AVENUE
SUITE 600
DALLAS, TX 75201
(214) 922-8885

SOUTH/EAST DALLAS OFFICE:
844 EAST R.L. THORNTON FREEWAY
SUITE 222
DALLAS, TX 75228
(214) 324-0080

WWW.HOUSE.GOV/BJOHNSON/

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Martin:

It is my understanding that the Federal Communications Commission (FCC) is currently reviewing the proposed acquisition of BellSouth Corporation by AT&T, Inc. (Applications for Consent to the Transfer of Control of Licenses BellSouth Corporation to AT&T, Inc., WC Docket No. 06-74). If approved, this merger will create the nation's largest telecommunications corporation. Despite the vast amalgamation of telecommunications infrastructure resulting from this merger, there remain areas of our nation that are lacking access to the new broadband services that are now available.

I support the efforts of the Concerned Mayors Alliance (CMA) in the merger proceedings to address the disparity in access to telecommunications services based on race, income and geography. The CMA represents mayors in the AT&T/BellSouth region who are concerned about the quality of telecommunications services being provided to their constituents. We are requesting that the FCC give due consideration to the issues raised by the CMA and impose appropriate conditions and procedures on the merger.

I also share the concerns of my colleague, Congressman John Conyers, in his letter to you on October 13, 2006, about the review process allowing for a measured approach to examining this merger. I respectfully ask that the FCC continue its comprehensive review of this merger and extend the process if required to give full consideration.

Thank you for your consideration regarding this important matter.

Sincerely,

Eddie Bernice Johnson
Eddie Bernice Johnson
Member of Congress

11/1/06 10:00 AM

**Cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell**

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE
WAYS AND MEANS
RANKING MEMBER

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

October 17, 2006

□ 2354 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3215
TELEPHONE: (202) 225-4365

DISTRICT OFFICE:
MS. VIVIAN E. JONES
DISTRICT ADMINISTRATOR

□ 163 WEST 125TH STREET
NEW YORK, NY 10027
TELEPHONE: (212) 683-3900

PLEASE RESPOND TO
OFFICE CHECKED

The Honorable Michael J. Copps
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Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Commissioner Copps:

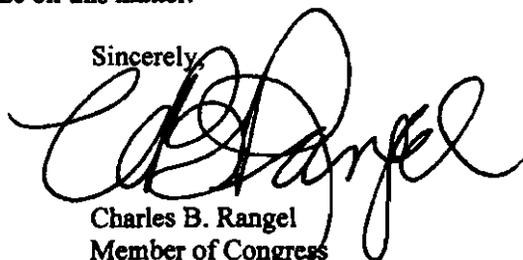
I am contacting you to commend you for your role in recently extending the Federal Communication Commission's review of the proposed AT&T and BellSouth merger. I have been following this transaction closely as I am concerned about the implications of continued consolidation in the telecommunications industries particularly in the absence of creating incentives for small business owners and participants in this arena.

While I was pleased that AT&T and Bell South recognized that their union will only be approved if certain conditions are met, I was disappointed that none of their proposed concessions focused on expanding ownership opportunities for small business participants. As you proceed with deliberations and develop recommendations on the public interest needs that should be addressed for this massive merger to be approved, I would ask you to include provisions that would call for divestitures among their business assets, specifically rural or smaller telephony markets, to include the right of first-negotiation for acquisition by companies owned or controlled by small businesses or socially disadvantaged groups. To be clear, I am not proposing that these properties be divested at a reduced rate, only that small business owners, who are traditionally excluded from such business opportunities, be given the chance to negotiate for these properties that are rarely available to them in the world of ever increasing multimedia consolidation.

Therefore, as you consider the conditions of this \$67 billion merger, I would strongly recommend that you make approval contingent upon a requirement that a reasonable divestiture of telecommunications properties, to include a right of first-negotiation for acquisition by companies owned or controlled by small businesses or socially disadvantaged groups, be part of the final agreement.

I look forward to your response on this matter.

Sincerely,



Charles B. Rangel
Member of Congress

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE:
WAYS AND MEANS
RANKING MEMBER

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

October 17, 2006

□ 2364 RAYBURN HOUSE OFFICE BUILDING
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TELEPHONE: (202) 225-4366

DISTRICT OFFICE:
MS. VIVIAN E. JONES
DISTRICT ADMINISTRATOR

□ 163 WEST 125TH STREET
NEW YORK, NY 10027
TELEPHONE: (212) 662-3800

PLEASE RESPOND TO
OFFICE CHECKED

The Honorable Jonathan Adelstein
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Commissioner Adelstein:

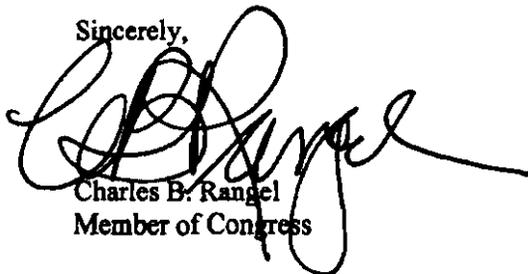
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Sincerely,



Charles B. Rangel
Member of Congress

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE:
WAYS AND MEANS
RANKING MEMBER

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

October 11, 2006

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163 WEST 125TH STREET
NEW YORK, NY 10027
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PLEASE RESPOND TO
OFFICE CHECKED

Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

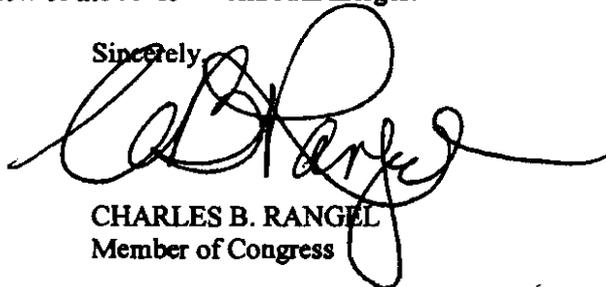
Dear Mr. Chairman:

The Federal Communications Commission currently has before it the proposed merger of AT&T and BellSouth Corporation that would result in one of the largest telecommunications companies in this country. As the telecommunications industries consolidation produces competitive "winners" and "losers", we must not lose sight of the fundamental need to preserve and enhance diversity in ownership, management, employment and contracting in these important industries. The FCC has recognized the importance of such diversity by establishing and supporting its Advisory Committee on Diversity for Communications in the Digital Age.

While Congress has been and continues to review the telecommunications industries and seek new methods of encouraging new entrants and diversity of ownership, we must look to the FCC to identify proactive measures to eliminate market entry barriers and further opportunities for small businesses and businesses owned by women and minorities. With the AT&T-BellSouth merger now before you, you have just such an opportunity. Many wisely argue that the FCC should condition its approval of the merger on the divestiture of at least \$1 billion dollars worth of telecommunications businesses and should grant a right of first negotiation for the acquisition of these businesses to companies owned or controlled by small businesses or socially disadvantaged groups. This is a tremendous opportunity for the FCC to increase diversity in the telecommunications industries and to do so pursuant to its authority under Section 310 of the Communications Act to determine when a merger is in the public interest, convenience and necessity and to condition its approval accordingly.

I look forward to discussing this opportunity further with you and I would ask that you keep me apprised of your review of the AT&T-BellSouth merger.

Sincerely,



CHARLES B. RANGEL
Member of Congress

CBR:jrs

EXHIBIT
B

February 16, 2010

Hon. Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

RE: **The FCC's Civil Rights Record and Overdue
Section 257 Triennial Report to Congress**

As you know, in Section 257 of the Communications Act, Congress requires the Commission to submit triennial reports "identifying and eliminating...market entry barriers for entrepreneurs and other small businesses...." The Commission submitted the required reports for 1997, 2000, 2003, and (several months late) 2006, but the Commission has not yet submitted its 2009 Report.

From your eloquent letter of January 5, 2010 to Henry Rivera, Chair of the Advisory Committee on Diversity for Communications in the Digital Age, we know that you share our concern for the fact that minority ownership and employment in our industries are *de minimis* and in many respects nearing extinction. Minority television ownership has decreased by 50% since 1999. Minority radio ownership has declined by 9% just within the last three years. Minority wireless and cable system ownership levels are near zero. Finally, minority radio journalism employment has plummeted to less than 1%, a level not seen since 1950.

It is therefore unfortunate that, in 2009, the Commission failed to vote on any of the dozens of pending proposals to advance minority ownership and participation in the industries the Commission regulates, including proposals endorsed by the Advisory Committee on Diversity for Communications in the Digital Age (<http://www.fcc.gov/DiversityFAC/>). The following examples illustrate the Commission's shortcomings in areas of concern to us. The FCC has failed:

- To adopt any of the two dozen proposed noncontroversial initiatives that would give minority businesses an opportunity to acquire FCC-licensed assets.
- To restore minimal enforcement of the broadcast Equal Employment Opportunity (EEO) Rule, and to assign a compliance officer to the 2007 Advertising Nondiscrimination Rule which, if it were enforced, could restore to minority broadcasters the approximately \$200 million every year that they forego because of racial discrimination by advertisers.
- To hold a hearing on Arbitron's "Portable People Meter" (PPM) audience measurement technology.
- For the fifth straight year since Hurricane Katrina – to act on the Spanish Radio Association/United Church of Christ/MMTC petition to provide for the multilingual broadcasts of emergency information. The September 8, 2009 "FCC Preparedness for Major Public Emergencies" Report did not even mention this critical issue.
- To repeal the 2006 Designated Entity rules that have decimated minority wireless ownership: of the \$19 billion fair market value of licenses sold in Auction 73 last year, minorities acquired \$5 million, or less than three-hundredths of one percent of the total value of those licenses.

Hon. Julius Genachowski

February 16, 2010

Page 2.

- To include even a mention of minorities or minority business enterprises in the December 2009 National Broadband Plan Framework – ignoring the transcripts from four staff workshops and two field hearings at which the witnesses focused on minority cyberpreneurship.
- To support the only remaining federal initiative aimed at promoting minority and women media and telecom ownership – the Telecommunications Development Fund. Nowhere in the Commission’s 2009 legislative recommendations was support for this vital initiative mentioned. In fact, on January 28, the Administration – without consulting with diversity advocates – proposed a budget that would eliminate the Fund entirely. The budget narrative suggested that a proposed loan program and, even more implausibly, the USF are adequate substitutes for this equity fund for new entrants.

To advance the civil rights objectives of the agency and the administration, we would be glad to assist the Commission with a comprehensive review of what can be done in 2010 to promote minority ownership and equal employment in the telecommunications sector. We specifically ask that you place on the agenda of the Commission’s April 2010 public Commission meeting a Report and Order adopting several of the dozens of long-pending, fully briefed and virtually unopposed proposals to advance media and telecom ownership diversity.

Sincerely,

Asian American Justice Center
Black College Communication Association
The Hispanic Institute
Hispanic Technology and Telecommunications Partnership
International Black Broadcasters Association
Latinos in Information Sciences and Technology Association
Lawyers’ Committee for Civil Rights Under Law
League of United Latin American Citizens
Minority Media and Telecommunications Council
National Association of Black Owned Broadcasters
National Association of Black Telecommunications Professionals
National Association of Latino Independent Producers
National Association for the Advancement of Colored People
National Black Coalition for Media Justice
National Coalition on Black Civic Participation-Black Women’s Roundtable
National Congress of Black Women, Inc.
National Council of La Raza
National Puerto Rican Coalition
National Urban League
Rainbow PUSH Coalition
Spanish Broadcasters Association
United States Hispanic Chamber of Commerce
UNITY: Journalists of Color

Hon. Julius Genachowski
February 16, 2010
Page 3.

cc: **Senator Robert Menendez**
Congressman Bobby L. Rush
Congressman Edolphus Towns
Congressman G.K. Butterfield
Delegate Donna M. Christensen
Hon. Michael J. Copps, Commissioner, FCC
Hon. Robert McDowell, Commissioner, FCC
Hon. Mignon Clyburn, Commissioner, FCC
Hon. Meredith Attwell Baker, Commissioner, FCC
Hon. Calvin Smyre, President, National Black Caucus of State Legislators
Hon. Iris Martinez, President, National Hispanic Caucus of State Legislators
Hon. Robin Read, President, National Foundation of Women Legislators
**Hon. Sharon Weston-Broome, President, National Organization of Black Elected
Legislative Women**
Hon. Robert Steele, President, National Association of Black County Officials
Hon. Sergio Rodriguez, President, Hispanic Elected Local Officials
Hon. Samuel Audwin, President, National Black Caucus of Local Elected Official
Hon. George Grace, President, National Conference of Black Mayors

ccs to FCC Dockets:

GN 09-51 (National Broadband Plan)
MB 09-817 (Portable People Meter)
MB 07-294 (Broadcast Diversity)
EB 06-119 (Hurricane Katrina Independent Panel)
WT 05-211 (Designated Entities)
EB 04-296 (Emergency Alert System)
MM 98-204 (Broadcast EEO)
RM-11565 (MMTC Radio Rescue Petition)

The contact person for this letter is David Honig, President and Executive Director, Minority Media and Telecommunications Council, 3636 16th St. N.W., #B-366, Washington, DC 20010, (202) 332-7005 and dhonig@crosslink.net.

CERTIFICATE OF SERVICE

I, Sandra Jeter of Dow Lohnes PLLC do hereby certify that on this 20th day of May, 2010, copies of the foregoing Petition to Deny of Telephone USA Investments, Inc. were served upon the following:

To the Federal Communications Commission as follows (via hand delivery):

Ruth Milkman, Bureau Chief
Wireless Telecommunications Bureau
445 12th St., S.W.
Washington, D.C. 20554

Kathy Harris
Mobility Division
Wireless Telecommunications Bureau
445 12 St., S.W.
Washington, D.C. 20554

Erin McGrath
Mobility Division
Wireless Telecommunications Bureau
445 12th Street, S.W.
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Stacy Ferraro
Spectrum and Competition Policy Division
Wireless Telecommunications Bureau
445 12th Street, S.W.
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Neil Dellar
Office of General Counsel
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David Krech
Policy Division
International Bureau
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Washington, D.C. 20554

Best Copy and Printing, Inc.
445 12th Street, S.W.
Washington, D.C. 20554

To Office of the Chairman as follows:

The Honorable Julius Genachowski
445 12th Street, S.W.
Washington, D.C. 20554

Bruce Gottlieb
445 12th Street, S. W.
Washington, D.C. 20554

To the Office of Commissioner Michael J. Copps as follows:

The Honorable Michael J. Copps
445 12th Street, S.W.
Washington, D.C. 20554

John Giusti
445 12th Street, S.W.
Washington, D.C. 20554

To the Office of Commissioner Robert McDowell as follows:

The Honorable Robert M. McDowell
445 12th Street, S.W.
Washington, D.C. 20554

Angela Giancarlo
445 12th Street, S.W.
Washington, D.C. 20554

To the Office of Commissioner Mignon Clyburn as follows:

The Honorable Mignon Clyburn
445 12th Street, S.W.
Washington, D.C. 20554

Louis Peraetz
445 12th Street, S.W.
Washington, D.C. 20554

To the Office of Commissioner Meredith Attwell Baker as follows:

The Honorable Meredith Attwell Baker
445 12th Street, S.W.
Washington, D.C. 20554

Charles Mathias
445 12th Street, S.W.
Washington, D.C. 20554

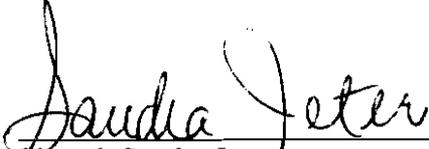
To the following (via U.S. mail, first-class, postage prepaid):

To Verizon Wireless as follows:

Nancy Victory
Wiley Rein LLP
1776 K Street, N.W.
Washington, D.C. 20006

To Atlantic Tele-Network, Inc. as follows:

Jonathan V. Cohen
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037


Signed: Sandra Jeter
Dated: May 20, 2010