

COLIN B. WEIR
VICE PRESIDENT

ONE WASHINGTON MALL, 15TH FLOOR
BOSTON, MASSACHUSETTS 02108
Telephone (617) 598-2226
Washington (202) 331-7711
Fax (617) 598-2235
E-mail: cweir@econtech.com

May 23, 2011

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

*Re: Applications of AT&T, Inc. and Deutsche Telekom AG for Consent to Assign or Transfer
Control of Licenses and Authorizations, WT Dock No. 11-65*

Dear Ms. Dortch:

On May 6, 2011, Economics and Technology, Inc. (“ETI”), acting *pro se*, filed Acknowledgments of Confidentiality in the above referenced docket executed by myself and by Dr. Lee L. Selwyn, President of ETI. Upon arriving at my office on May 17, 2011, I found an e-mail sent the previous evening by counsel for AT&T *et al* (“AT&T”) and transmitting AT&T’s “Objection to Disclosure of Confidential and Highly Confidential Information to Dr. Lee L. Selwyn and Colin B. Weir.” AT&T objected on the grounds that a law firm that has engaged ETI in the past “is actively litigating unrelated class actions against AT&T” and that Dr. Selwyn and myself “will be unable to forget what they learn or ‘split their brains in two’ to keep the confidential and highly confidential information to which they seek access from being used unfairly to the detriment of Applicants and other carriers.” AT&T provides no authority to support a requirement that schizophrenia be a precondition for access to confidential information relevant to this or to any other FCC docket. Moreover, we note that none of these “other carriers” on whose behalf AT&T now purports to be acting has objected to the requested Disclosure. As we demonstrate below, AT&T’s filing is untimely, inapposite, and without merit, and should not be sustained.

AT&T’s Objection is Untimely

The NRUF/LNP Protective Order (DA-11-711) provides that “[a] Wireless Telecommunications Carrier must file any such objection at the Commission and serve it on Counsel representing, retaining or employing such person *within three business days* after that person’s Acknowledgment has been filed with the Commission[...].” Emphasis supplied. May 11, 2011 was three business days following ETI’s May 6, 2011 filing. AT&T neither filed any objection nor requested any additional information regarding ETI’s filing by the close of business on May

11, 2011. On Friday, May 13, 2011, the FCC sent me a CD containing the requested NRUF data via UPS Next Day Air Saver service charged to ETI's UPS account. We received the CD at 10:10 am on Monday, May 16, 2011. The requested data was thus in our possession a full business day prior to our receipt of AT&T's Objection.

AT&T's filing of its Objection after the close of business on May 16th was well beyond the time for objections as provided in the Protective Order, and thus was not timely filed. AT&T's failure to timely file its Objection is a fully sufficient basis for its Objection to be rejected.

AT&T's Objection is Inapposite

AT&T's Objection appears to be driven by unsupported and unfounded speculations on the part of AT&T arising from ETI's consulting relationship with Bursor & Fisher, P.A., and AT&T's fears regarding Bursor & Fisher's participation in this proceeding. Indeed, AT&T's objections are noted solely by incorporation of its objections to the Bursor & Fisher P.A. filing: "Accordingly, Applicants object to Dr. Selwyn's and Mr. Weir's Acknowledgments for the same reasons." (Citation to the Bursor & Fisher objection omitted.) ETI's relationship with Bursor & Fisher, P.A., is inapposite to any matter at issue here, and in any event fails entirely to address the fact, which AT&T does not appear to dispute, that neither ETI nor its client is engaged in "Competitive Decision Making." AT&T contends that "[g]iven the paucity of information supplied by ETI and the Bursor Firm about their interests in this proceeding, Applicants cannot be certain that ETI is working with the Bursor Firm in this case, but these past close working relationships cannot be ignored." Nowhere in the subject Protective Order is there any requirement that the person executing the required Acknowledgment of Confidentiality disclose or otherwise furnish any information "about their interests in this proceeding" or otherwise certify that they have no involvement with counsel that AT&T does not like. Indeed, the *sole* certification required by the Protective Order is that the requesting counsel or consultant is "not involved in Competitive Decision-Making." In executing the Acknowledgments of Confidentiality, both Dr. Selwyn and I have made such a certification, and reiterate here that neither we nor our firm are "involved in Competitive Decision-Making."

AT&T's Objection is Without Merit

In its objections to ETI, incorporated by reference to its objections to Bursor & Fisher, AT&T notes Bursor & Fisher's short history of participation in FCC proceedings, especially merger proceedings. While here again AT&T cites no authority for its position that the longevity of a law firm's or consultant's involvement in FCC proceedings may be considered by the Commission in determining whether a person submitting an Acknowledgment of Confidentiality may be granted or denied access to confidential information subject to the Protective Order being acknowledged thereby, AT&T is well aware that ETI has participated in hundreds of FCC proceedings dating back to the 1970s, and that on many of those occasions ETI's participation was on behalf of AT&T itself. ETI has prepared or participated in the preparation of hundreds of

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submissions to the Commission, and has participated at the FCC, before state public utility commissions, and before the courts in a number of major telecommunications merger proceedings, including mergers involving AT&T and its predecessor companies. Dr. Selwyn has participated in a number of *en banc* FCC hearings and workshops. ETI has executed Acknowledgments of Confidentiality or their equivalents to numerous FCC protective orders in the past, and has diligently carried out its duties of maintaining confidentiality and safeguarding confidential data obtained in this manner. In the nearly forty years of its existence, ETI has never been accused of improperly using or disclosing confidential information. AT&T's unsupported speculations as to what ETI might or might not do with respect to the NRUF data that is the subject of its Objection here must be soundly dismissed as being without merit.

Notwithstanding that the untimely filing of AT&T's Objection is a fully sufficient basis for the Commission to reject it, the FCC should recognize AT&T's Objection as baseless and without merit, and should resolve this Objection in ETI's favor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CBA', with a long horizontal flourish extending to the right.

Colin B. Weir
Vice President
Economics and Technology, Inc.
One Washington Mall-15th Floor
Boston MA 02108
617-598-2226