



06-74
U.S. Department of Justice
Office of Consumer Protection Litigation
Civil Division
Washington, DC 20530

DATE

John Mincey
119 Well Springs Drive
Pickens, SC 29671

Re: AT&T Internet Service

Received & Inspected
JUL 05 2011
FCC Mail Room

Dear Mr. Mincey:

This letter is in reply to your correspondence to the Attorney General, dated June 16, 2011, which was referred to this Office for consideration and response. Your letter concerns problems regarding AT&T's internet service in your area. You note in your letter that AT&T did not "honor its 2006 commitment to provided broadband internet access to all of its customers within one year."

I am forwarding your inquiry to the agency indicated below that may be able to assist you or provide you with additional information on this subject.

In addition, I am referring a copy your letter to the Antitrust Division within the Justice Department since you voice concerns regarding AT&T and T-Mobile.

I hope this is of assistance to you. .

Sincerely yours,

Kenneth L. Jost
Acting Director
Office of Consumer Protection Litigation
Civil Division

By: Emily Overstreet
Consumer Affairs Specialist

cc:

Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554
Toll free: 1-888-225-5322 (CALL-FCC)
TTY: 1-888-TELL-FCC (835-5322)
www.fcc.gov
Email: fccinfo@fcc.gov

No. of Copies read 0
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Mathew Hammond
Antitrust Division, Telecommunication and Media
LSB, 7000 South, 450 5th Street NW
Washington, DC 20530

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119 Well Springs Drive
Pickens, SC, 29671
June 16, 2011

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001



Dear Mr. Attorney General:

I am writing to call to your attention a matter which is causing a great deal of difficulty for many persons in the United States. The underlying problem is the lack of availability of broadband internet access. Specifically I want to complain that AT&T made a commitment in 2006 to provide broadband internet access to all of its customers within one year, and AT&T still has not met that commitment.

AT&T made the pledge when the company was seeking approval to acquire BellSouth. News reports at the time stated that AT&T reluctantly made that commitment. Please see the attached excerpt from a letter dated December 28, 2006, written by Robert W. Quinn, Jr., then AT&T Senior Vice President for Federal Regulatory Affairs. The full text of the letter can be seen online at http://transition.fcc.gov/ATT_FINALMergerCommitments12-28.pdf. Apparently the company did not really intend to do what it stated in the letter it would do

The internet in its current state does not work well with older, slower technology which uses dialup connections. The newer broadband connectivity is needed to effectively use the internet today. Many of us who are burdened with dialup connectivity are excluded from the full benefit of the internet.

AT&T is the monopoly provider of telephone service in my area. I have dialup service provided by AT&T. The company does not provide broadband service in my area, and representatives of the company tell me it does not plan to offer broadband in my area. My dialup connection severely restricts me from some of the most basic capabilities of the internet. For example I cannot update virus definitions for my antivirus software, and I cannot access important online publications such as business journals which I need. I can give many additional examples of problems associated with dialup. The bottom line is that dialup access wastes many hours of my time and it excludes me from the full benefits of the internet. Wireless and satellite access to the internet have drawbacks which make these forms of internet access unfeasible for me.

If you can bring to bear any leverage to require AT&T to honor its 2006 commitment to expedite the provision of broadband internet access you will provide a great service to those of us who are currently denied that capability.

CM - 12632
Attorney

161031
ND

On a related point, I observe that AT&T currently seeks to make another major acquisition, namely T-Mobile. If AT&T did not live up to past commitments, can it be trusted to honor commitments it might make in the future? The T-Mobile deal should be thoroughly scrutinized, and safeguards should be established to ensure that AT&T honors any commitments it might make in connection with the T-Mobile deal or other future deals.

Yours truly,

A handwritten signature in cursive script that reads "John Mincey". The signature is written in black ink and is positioned below the typed name.

John Mincey

attachment



Robert W. Quinn, Jr.
Senior Vice President
Federal Regulatory

AT&T Services, Inc. T: 202.457.3851
1120 20th Street, NW F: 832.213.0243
Suite 1000
Washington, DC 20038

December 28, 2006

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Communication
In the Matter of Review of AT&T Inc. and BellSouth Corp. Application
For Consent to Transfer of Control, WC Docket No. 06-74

Dear Ms. Dortch:

On October 13, 2006, AT&T submitted a list of possible merger commitments, which, we indicated, we could accept in the interest of obtaining expeditious approval of the AT&T/BellSouth merger. We emphasized our belief that these commitments were wholly unnecessary in light of the demonstrated substantial public interest benefits of the merger and the lack of any cognizable harm to competition. We noted that this belief was shared by the Department of Justice, nineteen states, and three foreign countries, all of which subjected the merger to exacting scrutiny and found no anticompetitive effects. And, we noted, this merger involves even less competitive overlap than did the AT&T/SBC and Verizon/MCI mergers, both of which the Commission unanimously approved just last year with fewer, less extensive commitments than we offered in our October 13 letter.

Nevertheless, merger opponents continue to demand even more concessions, including those they were unable to obtain from Congress, or that are being considered in pending, industry-wide rulemaking proceedings. In the face of these continuing demands, the merger has yet to be approved. Accordingly, in order to break the impasse, and in the interest of facilitating the speediest possible approval of the merger by the Commission, Applicants agree to the attached merger commitments, which are significantly more extensive than those submitted on October 13. Applicants reserve the right to withdraw these commitments upon written notice to the Commission if the Commission has not approved the merger at the time of such notice. One electronic copy of this Notice is being submitted to the Secretary of the FCC in accordance with the Commission's rules.

Sincerely,

Robert W. Quinn, Jr.

Merger Commitments

For the avoidance of doubt, unless otherwise expressly stated to the contrary, all conditions and commitments proposed in this letter are enforceable by the FCC and would apply in the AT&T/BellSouth in-region territory, as defined herein, for a period of forty-two months from the Merger Closing Date and would automatically sunset thereafter.

Repatriation of Jobs to the U.S.

AT&T/BellSouth¹ is committed to providing high quality employment opportunities in the U.S. In order to further this commitment, AT&T/BellSouth will repatriate 3,000 jobs that are currently outsourced by BellSouth outside of the U.S. This repatriation will be completed by December 31, 2008. At least 200 of the repatriated jobs will be physically located within the New Orleans, Louisiana MSA.

Promoting Accessibility of Broadband Service

1. ~~By December 31, 2007, AT&T/BellSouth will offer broadband Internet access service (i.e., Internet access service at speeds in excess of 200 kbps in at least one direction) to 100 percent of the residential living units in the AT&T/BellSouth in-region territory.~~² To meet this commitment, AT&T/BellSouth will offer broadband Internet access services to at least 85 percent of such living units using wireline technologies (the "Wireline Buildout Area"). AT&T/BellSouth will make available broadband Internet access service to the remaining living units using alternative technologies and operating arrangements, including but not limited to satellite and Wi-Max fixed wireless technologies. AT&T/BellSouth further commits that at least 30 percent of the incremental deployment after the Merger Closing Date necessary to achieve the Wireline Buildout Area commitment will be to rural areas or low income living units.³

2. AT&T/BellSouth will provide an ADSL modem without charge (except for shipping and handling) to residential subscribers within the Wireline Buildout Area who, between July 1, 2007, and June 30, 2008, replace their AT&T/BellSouth dial-up Internet access service with

¹ AT&T/BellSouth refers to AT&T Inc., BellSouth Corporation, and their affiliates that provide domestic wireline or Wi-Max fixed wireless services.

² As used herein, the "AT&T/BellSouth in-region territory" means the areas in which an AT&T or BellSouth operating company is the incumbent local exchange carrier, as defined in 47 U.S.C. § 251(h)(1)(A) and (B)(i). "AT&T in-region territory" means the area in which an AT&T operating company is the incumbent local exchange carrier, as defined in 47 U.S.C. § 251(h)(1)(A) and (B)(i), and "BellSouth in-region territory" means the area in which a BellSouth operating company is the incumbent local exchange carrier, as defined in 47 U.S.C. § 251(h)(1)(A) and (B)(i).

³ For purposes of this commitment, a low income living unit shall mean a living unit in AT&T/BellSouth's in-region territory with an average annual income of less than \$35,000, determined consistent with Census Bureau data, *see* California Public Utilities Code section 5890(j)(2) (as added by AB 2987) (defining low income households as those with annual incomes below \$35,000), and a rural area shall consist of the zones in AT&T/BellSouth's in-region territory with the highest deaveraged UNE loop rates as established by the state commission consistent with the procedures set forth in section 51.507 of the Commission's rules. 47 C.F.R. § 51.507.

MAIL REPLY UNIT
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2011 JUN 21 PM 1:32

John Mincey
119 Well Springs Drive
Pickens, SC 29671

GREENVILLE SC 296

16 JUN 2011 PM 1:1



INSPECTED 11

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

X-RAYED

JUN 21 2011

DOJ MAILROOM

20530+0001

