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September 15, 2011

EX PARTE PRESENTATION

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

Re: *Ex Parte Presentation in WT Docket No. 11-65, Applications of AT&T Inc. and Deutsche Telekom AG For Consent to Assign or Transfer Control of Licenses and Authorizations*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network L.L.C. ("DISH Network") submits this letter summarizing a meeting on Tuesday, September 13, 2011 with the following staff from the AT&T/T-Mobile Transaction Team: Renata Hesse, Jim Bird, Patrick DeGraba, and Jim Schlichting. Present at the meeting on behalf of DISH Network was Jeffrey Blum, Senior Vice President and Deputy General Counsel; Alison Minea, Corporate Counsel; Alex Constantine, Government Affairs Analyst; and David Goodfriend, outside counsel.

During the meeting, DISH Network urged the Commission to swiftly designate for hearing the AT&T takeover of T-Mobile, now that the Department of Justice has filed a lawsuit to block the merger. Timing is critical, and delay only benefits AT&T. No further delay is warranted, because there is no set of conditions or divestitures that would resolve the substantial harms posed to the public and to competition.

The greatest threat posed by this merger is the loss of T-Mobile as a leader in introducing innovative technologies, as well as its presence as a national competitor to discipline AT&T and Verizon. T-Mobile can survive and thrive after the pending merger is denied. The longer the merger proceeding lasts, however, the more harm is done to T-Mobile. The sooner the Commission acts, the sooner T-Mobile can refocus its efforts on finding ways to grow its business.

Denial of the AT&T takeover of T-Mobile also promotes competition from new entrants. As DISH Network discussed in its Petition to Deny and replies, the proposed merger could

harm DISH Network's ability to enter the market to provide mobile broadband.¹ Although AT&T has attempted to use DISH Network as an illustration that the wireless market will be competitive enough to withstand the harm inflicted by the merger, the opposite is true. Post-merger, at the retail level, almost 80% of subscribers would be controlled by the top two providers, who would have the power to subsidize rates, withhold critical interconnection and roaming agreements, and otherwise abuse their market power to thwart a potential new competitor.

Respectfully submitted,

/s/ Alison A. Minea

Alison A. Minea

cc: Renata Hesse
Jim Bird
Patrick DeGraba
Jim Schlichting

¹ See Petition to Deny of DISH Network L.L.C. at pp. 6-10, *Applications of AT&T Inc. and Deutsche Telekom AG For Consent to Assign or Transfer Control of Licenses and Authorizations*, WT Docket No. 11-65 (filed May 31, 2011). See also Reply of DISH Network L.L.C. to Joint Opposition of AT&T Inc., Deutsche Telekom AG, and T-Mobile USA, Inc. to Petitions to Deny and Reply to Comments at 2-3, *Applications of AT&T Inc. and Deutsche Telekom AG For Consent to Assign or Transfer Control of Licenses and Authorizations*, WT Docket No. 11-65 (filed June 20, 2011).