



November 22, 2011

Chairman Julius Genachowski
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20054

Re: WT Docket No. 11-65

Dear Chairman Genachowski:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we are writing to explain the significance of the proposed merger between AT&T and T-Mobile for the communities that The Leadership Conference represents, including persons of color, women, children, organized labor, persons with disabilities, seniors, gays and lesbians, and major religious groups. **It is important to note that in outlining these issues, our coalition is *not* taking a position in support of — or in opposition to—the proposed merger.** Our goal with this letter is to ensure that important civil rights concerns are appropriately acknowledged and considered.

At the outset, we are aware that the Department of Justice has sued to block this merger because of serious concerns about its impact on prices, quality of service, investment, and innovation. These issues directly impact the constituencies we represent, and we urge the Commission to take these concerns seriously. We are particularly concerned about costs of service. At the same time, we realize that the Commission, according to statute, must determine whether the proposed transfer of control of licenses, authorizations, and spectrum leasing arrangements that accompany a merger will serve the public interest, convenience, and necessity. In that vein, we encourage the Commission to consider the issues described below.

We first wish to note that AT&T has a positive record of programs that promote supplier diversity and a diverse workforce. Such diversity is important for advancing economic opportunities for minority and women-owned businesses, and for minority and female workers. The merger may also bring greater accessibility for people with disabilities, given AT&T's past willingness to take up and develop applications that benefit the lives of people with disabilities.

Of critical importance, the merger has the potential to expand collective bargaining coverage by potentially expanding the number of communications workers who can participate in collective bargaining to improve wages, benefits, and working conditions. The Leadership Conference is optimistic that this merger would give T-Mobile's union-eligible non-management workforce—a number of employees that could account for about half of T-Mobile's workforce—a real opportunity to join a union. Given aggressive employer resistance to collective bargaining in the private and public sectors, the decline of America's unions has reached a crisis point. AT&T is the only U.S. wireless company with a unionized workforce. It also has a track record, in partnership with the Communications Workers of

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America, in ensuring that AT&T employees are permitted to make their own decisions about union representation. T-Mobile, by contrast, has been hostile to unions and opposed efforts by workers to organize. Thus, the merger would reduce the number of hurdles faced by certain T-Mobile workers seeking to unionize. The Leadership Conference believes that workers' rights are civil rights, and that unions hold forth the promise of bringing us closer to a society where all Americans enjoy economic opportunity. Women and minorities need unions now more than ever, as the current economic climate poses a particularly strong threat to low-wage workers.

In addition to considering the impact of this merger on opportunities for collective bargaining, our coalition believes that the Commission should also consider total job losses and job creation as part of its public interest review. While AT&T has made public promises about the merger's impact on jobs and cost of service, nothing legally binds AT&T to honor those commitments absent Commission action. At a time when the United States already faces an unemployment crisis, the impact of the proposed merger on jobs is a critical public interest concern, particularly because according to one survey, people of color comprise 48 percent of T-Mobile's workforce. We strongly encourage the Commission to add a jobs analysis to its public interest evaluation, to consider the total impact of this merger on jobs, and particularly to analyze the impact on employment for the constituencies that The Leadership Conference represents.

In summary, as the Commission considers its public interest analysis, we urge it to take into account the issues we have described—prices, diversity, workers' rights, job loss and creation—and to take appropriate action as it considers the impact of the proposed merger. Please contact Corrine Yu, Leadership Conference Managing Policy Director at 202-466-5670, if you would like to discuss the above issues or any other issues of importance to The Leadership Conference.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President