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November 29, 2011

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VIA ECFS

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

Re: Notice of *Ex Parte* – 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

Dear Ms. Dortch:

Today, former Commissioner Henry Rivera and I, on behalf of Deutsche Telekom AG and T-Mobile USA, Inc., spoke by telephone with Commissioner Mignon Clyburn regarding the Opposition to Motion to Withdraw of Public Knowledge and Media Access Project (“PK/MAP”),¹ which urges the Commission to publicly release the staff report prepared with respect to the above-captioned docket. As a Chairman and a former Member of the Commission, we expressed our view that the action PK/MAP seeks would be unprecedented and have far-reaching effects on the future functioning of the FCC.

We noted that the applications in this docket have been withdrawn and there is no transaction before the FCC for review. Releasing staff workproduct concerning a matter no longer before the Commission would be unprecedented. In this case, the workproduct is highly deliberative in nature as it is a draft for consideration by the Commissioners that, if finalized and approved, would merely provide the basis for issues to be considered by an Administrative Law Judge. This workproduct would in no way constitute official findings of the Commission.

Historically and consistently, the Commission has protectively guarded its deliberative process and workproduct. The action PK/MAP seek would make it very difficult for the Commission to do so going forward. In this case, there is no legitimate basis for the release of this workproduct. PK/MAP merely seek to

¹ Opposition to Motion to Withdraw of Public Knowledge and Media Access Project, WT Docket No. 11-65 (Nov. 28, 2011).



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prejudice the pending litigation with DOJ. Accordingly, we urged that the Commission reject PK/MAP's request.

Sincerely,

/s/ Richard E. Wiley

Richard E. Wiley

cc: Commissioner Mignon Clyburn
Kathy Harris, Esq.
Ms. Kate Matraves
Jim Bird, Esq.
David Krech, Esq.
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