

June 13, 2013

BY ECFS

Marlene H. Dortch, Esq.
Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Applications of AT&T Inc. and Atlantic Tele-Network, Inc. for Consent To Transfer Control and Assign Licenses and Authorizations, WT Dkt No. 13-54, Request for Supplement to Second Protective Order*

Dear Ms. Dortch:

AT&T Inc. (collectively with its subsidiaries and affiliates, "AT&T") requests that the Commission add an additional category of information to Appendix A to the Second Protective Order issued on June 5, 2013 in the above-referenced proceeding.¹ Specifically, AT&T requests that the Commission add the following category: Information that provides how a Submitting Party analyzes its competitors, including the sources and methods used to do so, any limits the Submitting Party has on using these data, and how it uses these data. The Commission has provided the same level of protection to this category of information in other transactional proceedings,² and AT&T is likely to include this type of information in its responses to the Commission's Information and Discovery Request for AT&T dated June 5, 2013.³

¹ See *Applications of AT&T Inc. and Atlantic Tele-Network, Inc. for Consent to Transfer Control and Assign Licenses and Authorizations*, WT Dkt No. 13-54, Protective Order, DA 13-1310 (rel. June 5, 2013) ("Second Protective Order").

² *Applications of AT&T Inc. and Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses and Authorizations*, Second Protective Order (Revised), 26 FCC Rcd. 8801, 8809, App. A (WTB 2011); *Applications of AT&T Mobility Spectrum LLC and Qualcomm Incorporated for Consent to Assign or Transfer Control of Lower 700 MHz Band Licenses*, Second Protective Order (Revised), 26 FCC Rcd. 8791, 8798, App. A (WTB 2011); *Applications for the Transfer of Control of Licenses and Authorizations from Nextel Communications, Inc. and Its Subsidiaries to Sprint Corporation*, Order Adopting Second Protective Order, 20 FCC Rcd. 9280, 9281 ¶ 4 (WTB 2005).

³ *Applications of AT&T Inc. and Atlantic Tele-Network, Inc. for Consent to Transfer Control and Assign Licenses and Authorizations*, WT Dkt No. 13-54, Information and Discovery Request for

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AT&T's responses to Requests 4.a and 8.a likely will include information falling within that category. Request 4.a seeks all documents discussing actual or potential competition between AT&T and any other provider's mobile wireless services. Request 8.a seeks information detailing the competitive decisions made by AT&T at the national, regional, state, or local level. In response to these requests, AT&T likely will produce documents and information discussing AT&T's analyses of present and future competition with respect to spectrum use and LTE mobile broadband services, network coverage and performance, and retail distribution; sensitive analyses of other providers, including their spectrum usage, 4G capabilities, and market share; and provider-by-provider analyses discussing the competitive significance of various competitors to AT&T. In addition, AT&T's responses likely will reveal what information AT&T collects about its competitors and how it uses these data.

Materials related to competitive data and analyses, including analyses of competitors, are among AT&T's most sensitive information. It is critically important that such information be shielded effectively from public disclosure, particularly disclosure to these very same companies. Disclosure would allow competitors to react to this information in their own competitive analyses, and business and other strategies, giving them an unfair competitive advantage. Accordingly, AT&T requests that the Commission amend Appendix A of the Second Protective Order to cover the foregoing information.

Respectfully submitted,



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AT&T (June 5, 2013). AT&T is still preparing its responses to the Information and Discovery Request. Thus, AT&T is not making any definitive representations at this time as to what will or will not be included in its submissions.

ARNOLD & PORTER LLP

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