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March 11, 2014

Via Hand Delivery

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

Re: Ex Parte Response to Supplemental Information; *Applications of Cricket License Company, LLC, et al., Leap Wireless International, Inc., and AT&T Inc. for Consent To Transfer Control of Authorizations, WT Docket 13-193*

Dear Ms. Dortch:

Today the undersigned submitted the attached email to Ms. Hillary Burchuk of the FCC's Office of General Counsel in connection with the above-referenced Docket.

Respectfully submitted,

Youghiogheny Communications, LLC

By: _____/s/_____

Donald J. Evans
Its Attorney

From: Donald Evans [<mailto:evans@fhhlaw.com>]
Sent: Tuesday, March 11, 2014 1:36 PM
To: Hillary Burchuk
Subject: Lifeline disclosure

Hillary, I checked the lead application and there was no reference to AT&T's Lifeline plans whatsoever. In the Joint Opposition to Petitions to Deny, there was a discussion at pp 6-7 of certain commitments that AT&T had made to the California PUC regarding maintaining a certain rate plan for 18 months, but no mention of Lifeline or what their plans were, either in that state or elsewhere. And, of course, the disclosures about their Lifeline plans in AT&T's Supplemental Responses to your interrogatories were designated as confidential and remain so. That would make no sense – and actually would have been improper – if the disclosure had already been made public.

The absence of notice on this matter is not a technicality. It is a matter of fundamental due process for the affected members of the public. Surely the requirements of the APA, the Communications Act, and the FCC's rules that the public be fairly apprised of what is proposed in a pending application trump the informal and non-binding guidance of the shot clock. A decision not to allow such public input would certainly be a change of direction for the Commission by instituting a policy of maintaining secrecy regarding key elements of applications that will dramatically affect the public. Such an important policy decision should be made consciously by the full Commission rather than by skating over it. This lack of transparency is also the anti-thesis of what Chairman Wheeler pledged in being considered for office. I urge you to require the applicants to make their Lifeline plans public and allow a reasonable time for the public and Indian tribes who will be adversely affected by this plan to comment or object.

Don Evans
Counsel for Yougiogheny Communications, LLC