



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
WASHINGTON, D.C. 20554

DA 11-673

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: April 14, 2011

## COMMISSION OPENS DOCKET FOR PROPOSED TRANSFER OF CONTROL OF T-MOBILE USA, INC. AND ITS SUBSIDIARIES FROM DEUTSCHE TELEKOM AG TO AT&T INC.

### WT Docket No. 11-65

On March 21, 2011, AT&T Inc. (“AT&T”) and Deutsche Telekom AG (“Deutsche Telekom”) announced an agreement under which AT&T will acquire T-Mobile USA, Inc. (“T-Mobile USA”) from Deutsche Telekom in a cash-and-stock transaction currently valued at approximately \$39 billion. Applications seeking Commission consent to the transfer of control of T-Mobile USA and its wholly-owned and controlled subsidiaries (“Applications”) are expected. The purpose of this public notice is to announce the opening of a docket, WT Docket No. 11-65, and articulate the *ex parte* status of discussions related to the proposed transaction.

The Commission’s administrative opening of a docket related to the proposed transaction is not intended to change the *ex parte* status of the proposed transaction. Accordingly, until the Applications are filed, discussions with Commission staff regarding this proposed transaction will continue to be exempt from any *ex parte* limitations or requirements.<sup>1</sup>

Pursuant to section 1.1200(a) of the Commission’s rules,<sup>2</sup> the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires.<sup>3</sup> We announce that as of the time any Applications are filed, this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission’s rules.<sup>4</sup> Parties making oral *ex parte* presentations after the Applications are filed are directed to the Commission’s statement reemphasizing the public’s responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.<sup>5</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>6</sup> Other rules pertaining to oral and written presentations are set

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<sup>1</sup> See 47 C.F.R. § 1.1200.

<sup>2</sup> 47 C.F.R. § 1.1200(a).

<sup>3</sup> On February 1, 2011, the Commission adopted a Report and Order amending and revising the Commission’s rules on *ex parte* presentations. Amendment of the Commission’s *Ex Parte* Rules and Other Procedural Rules, GC Dkt. No. 10-43, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-11 (rel. Feb. 2, 2011). The revised rules are awaiting publication in the Federal Register, and are not yet effective.

<sup>4</sup> *Id.* § 1.1206.

<sup>5</sup> See Commission Emphasizes the Public’s Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

<sup>6</sup> See 47 C.F.R. § 1.1206(b)(2).

forth in section 1.1206(b).<sup>7</sup> We urge parties to use the Electronic Comment Filing System (“ECFS”) to file *ex parte* submissions.

At the time any Applications are filed with the Commission, we will release a public notice to announce that fact. That public notice will also provide procedures for requesting *ex parte* meetings with staff regarding the proposed transaction.

One copy of each *ex parte* submission, which should include a reference to WT Docket No. 11-65, must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission’s duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau (WTB), at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (3) Kate Matraves, Spectrum and Competition Policy Division, WTB, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov or (202) 418-1234 (facsimile).

For further information, send an email to AT&T\_T-MobileTransaction@fcc.gov.

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<sup>7</sup> *Id.* § 1.1206(b).