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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion Into the Planned Purchase and Acquisition by AT&T Inc. of T-Mobile USA, Inc., and its Effect on California Ratepayers and the California Economy.

Investigation 11-06-009
(Filed June 9, 2011)

ADMINISTRATIVE LAW JUDGE'S RULING CONFIRMING PARTY STATUS

Media Alliance, the Communications Workers of America District 9, Phillip Moskal, and Pac-West Telecomm have recently requested party status in this proceeding, Commission Investigation 11-06-009. I granted these motions via electronic mail on July 6, 2011. This ruling confirms the party status of these individuals and organizations, as set forth in this ruling.

Motions Requesting Party Status

By motion filed on June 17, 2011, Media Alliance requested party status. The motion filed by Media Alliance states that the organization's "primary interest in this proceeding is to ensure that the merger of AT&T and T-Mobile will be in the best interests of media producers, and the audiences for their work, and the interests of the free flow of information throughout California to maximize civic engagement and access to information."¹ Media Alliance

¹ Media Alliance Motion for Party Status at 3.

suggests that the merger could affect, among other things, the cost of mobile data. Media Alliance states its intention to participate actively in this proceeding. Based on this motion for party status, Media Alliance meets the requirements to become a party to this proceeding, and was granted party status on July 6, 2011.

By motion filed on June 27, 2011, the Communications Workers of America, District 9 (CWA9), requested party status in this proceeding. The motion states that CWA9 represents 5,300 workers employed with AT&T, and could come to represent additional T-Mobile employees if the merger is completed. CWA9 states that it intends to address “the impacts of the merger from the point of view of the merging companies’ employees, as well as on the merger’s verifiable public interest benefits.”² CWA9 states that it intends to participate actively in this proceeding by, among other things, submitting comments. Based on its motion for party status, CWA9 meets the requirements to become a party to this proceeding, and was granted party status on July 6, 2011.

By motion filed on June 27, 2011, Phillip Moskal requested party status in this proceeding. Mr. Moskal describes himself as “an unemployed, low-income, single parent T-Mobile ratepayer who represents the interests of all similarly-situated underserved California ratepayers.”³ Mr. Moskal states that his interest in the proceeding is to ensure that wireless services remain available and

² Motion for Party Status of Communications Workers of America, District 9 at 2.

³ Motion to Become a Party of Phillip Moskal at 2.

affordable to the state's low-income residents and their families. Mr. Moskal asserts that "[t]he proposed acquisition of T-Mobile by AT&T would likely result in higher prices for wireless service due to less competition in the consumer market. The effect of higher prices would be to shut many low-income consumers out of the wireless market."⁴ The motion from Mr. Moskal does not describe the manner in which he intends to participate in this proceeding, but seems to express an intention to participate actively. It is not clear from the motion whether Mr. Moskal seeks to represent the interests of a class of ratepayers; if so, we remind Mr. Moskal and others that the Commission does not offer class-action status in proceedings. It appears that Mr. Moskal meets the requirements to become a party to this proceeding as an individual, and Mr. Moskal was granted party status on July 6, 2011.

By motion filed on July 5, 2011, Pac-West Telecomm Inc. (PacWest) requested party status in this proceeding. The motion from PacWest states that the company provides intrastate and interstate exchange services, provides various wholesale services to the respondents and other communications providers, and competes with the respondents and their affiliates. PacWest states that it intends to participate actively in this proceeding, and may propose conditions for the merger related to issues that may include agreements on termination of intraMTA traffic. Based on its motion for party status, PacWest meets the requirements to become a party to this proceeding, and was granted

⁴ Motion of Phillip Moskal at 3.

party status on July 6, 2011.

IT IS RULED that:

1. The motions for party status filed by Media Alliance, the Communications Workers of America District 9, Phillip Moskal, and Pac-West Telecomm Inc. were granted via electronic mail on July 6, 2011, as described in this ruling.

2. The following people have been added to the service list as representatives for each of these parties:

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Dated August 11, 2011, at San Francisco, California

/s/ JESSICA T. HECHT
Jessica T. Hecht
Administrative Law Judge