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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
GRANTING MOTIONS FOR PARTY STATUS**

As of June 20, 2011, several organizations or groups of organizations had filed motions for party status in this proceeding, Commission Investigation (I.) 11-06-009. The groups requesting party status are: the Division of Ratepayer Advocates, the Greenlining Institute, Free Press, The Utility Reform Network, California Association of Competitive Telecommunications Companies, the Utility Consumer's Action Network and affiliated projects, and the Black Economic Council filing jointly with the Latino Business Chamber of Greater Los Angeles and the National Asian American Coalition. All of these motions are approved, as set forth below.

Motions Requesting Party Status

By motion filed on June 13, 2011, the Black Economic Council, the Latino Business Chamber of Greater Los Angeles, and the National Asian American Coalition requested party status in this proceeding. These three parties requested party status in a joint motion, but request party status as separate organizations. In their motion, these parties state that they "all represent large constituencies, both business and consumer, directly affected by AT&T and

T-Mobile services and by the services of other respondents and interested parties such as Verizon, Sprint Nextel, New Cingular Wireless, T-Mobile West Corporation, MetroPCS and Cricket Communications.”¹ These organizations state their intention to participate actively in this proceeding, as well as to coordinate with one another and with other parties to the proceeding. Based on their motion for party status, all three organizations meet the requirements to become parties to this proceeding, and all three are granted party status.

By motion filed on June 15, 2011, Free Press requested party status in this proceeding. The motion states that Free Press is a national, nonpartisan, nonprofit organization dedicated to ensuring that the public has a voice in critical media and telecommunications policy debates.² Free Press states that it intends to participate actively in this proceeding to advance and protect the interests of its members that are residents of California. Based on its motion for party status, Free Press meets the requirements to become a party to this proceeding, and is hereby granted party status.

By motion filed on June 15, 2011, The Utility Reform Network (TURN) requested party status in this proceeding. TURN has participated in previous merger proceedings that have come before the Commission, as well as many other Commission proceedings.³ TURN represents consumers, especially residential and small commercial customers, and TURN states that its primary interest in this merger proceeding is to ensure that the proposed merger between

¹ Black Economic Council, the Latino Business Chamber of Greater Los Angeles, and the National Asian American Coalition Motion at 2.

² Free Press Motion at 1.

³ TURN Motion at 2.

AT&T and T-Mobile will be in the best interests of consumers.⁴ Based on its motion for party status, TURN meets the requirements to become a party to this proceeding, and is hereby granted party status.

By motion filed on June 15, 2011, the Utility Consumer's Action Network (UCAN) requested party status in this proceeding on behalf of itself and its affiliates, New Media Rights (NMR) and Privacy Rights Clearinghouse (PRC). UCAN states that it is a public interest organization with over 25 years of experience representing the interests of California consumers in Commission proceedings.⁵ The UCAN motion states that NMR, an affiliate of UCAN, provides expertise and advocacy on media, communications, and internet law as it applies to independent creators and internet users, and provides pro bono legal resources to such individuals.⁶ According to the motion, PRC, another affiliate of UCAN, is dedicated to empowering consumers with regards to their personal privacy rights.⁷ UCAN and its affiliates request party status in this proceeding, and state that they will represent California consumers who are directly impacted by the services of AT&T, T-Mobile, and many of the consumer and technical issues raised in the I.11-06-009.⁸ If granted party status, UCAN and its affiliates state that they intend to participate actively in this proceeding by making factual and legal contentions pertinent to the issues raised in I.11-06-009.⁹

⁴ *Id.*

⁵ UCAN Motion at 2.

⁶ *Id.*

⁷ *Id.*

⁸ UCAN Motion at 3.

⁹ *Id.*

Based on its motion for party status, UCAN and its affiliates meet the requirements to become a party to this proceeding, and are hereby granted party status.

By motion filed on June 16, 2011, the Commission's Division of Ratepayer Advocates (DRA) requested party status in this proceeding. Participates in many Commission proceedings, with the goal of ensuring the lowest possible rates consistent with reliable and safe utility services. DRA states that it advocates for customer and environmental protections throughout California, and expects to participate actively in this proceeding. Based on its motion for party status, DRA meets the requirements to become a party to this proceeding, and is hereby granted party status.

By motion filed on June 16, 2011, The Greenlining Institute (Greenlining) requested party status in this proceeding. Greenlining describes itself as a multi-ethnic public policy, advocacy, and research institute based in Berkeley, California, that advocates on behalf of California's million minorities and low-income communities.¹⁰ Greenlining asserts that its primary interest in this proceeding is to ensure that the market for wireless services in California does not become overly concentrated.¹¹ Greenlining frequently participates in Commission proceedings representing the interests low-income and other customers, and Greenlining intends to participate actively in this proceeding. Based on its motion for party status, Greenlining meets the requirements to become a party to this proceeding, and is hereby granted party status.

¹⁰ Greenlining Motion at 1.

¹¹ *Id.*

By motion dated on June 20, 2011, California Association of Competitive Telecommunications Companies (CALTEL) requested party status in this proceeding. CALTEL describes itself as a non-profit trade association working to advance the interests of fair and open competition and customer-focused service in California telecommunications, and notes that the majority of CALTEL members are small businesses. In its motion, CALTEL states that it “seeks party status in this proceeding in order to advance and protect the interests of its members, particularly in regards to their purchase of special access services from AT&T, their provision of special access services to T-Mobile and other independent wireless carriers, their purchase of wholesale wireless products to complement their wireline retail product offerings, and their reliance on other wholesale inputs which AT&T is obligated to provide in order to enable competition in retail residential and business voice and broadband markets.”¹² Based on its motion for party status, CALTEL meets the requirements to become a party to this proceeding, and is hereby granted party status.

IT IS RULED that:

1. The motions for party status filed by The Division of Ratepayer Advocates, the Greenlining Institute, Free Press, The Utility Reform Network, California Association of Competitive Telecommunications Companies, Utility Consumer’s Action Network, and the Black Economic Council filing jointly with the Latino Business Chamber of Greater Los Angeles and the National Asian American Coalition are granted.

¹² CALTEL Motion at 1.

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

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National Asian American Coalition

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**California Association of Competitive Telecommunications
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3. The following additional representative of California Association of Competitive Telecommunications Companies is added to the information only category on the service list:

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I.11-06-009 JHE/lil

Counsel for CALTEL

Dated June 24, 2011, at San Francisco, California.

/s/ MICHELLE COOKE for

Jessica T. Hecht

Administrative Law Judge