

Christine Varney
Assistant Attorney General, Antitrust Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

May 25, 2010

Dear Assistant Attorney General Varney and Chairman Genachowski,

The undersigned organizations, which represent communities of color, low-income consumers and rural communities, encourage you to complete a thorough review of AT&T's proposed acquisition of T-Mobile. We believe that such a review will reveal the disproportionate negative impact that this merger would have on the historically marginalized communities that we represent – who already struggle to obtain essential modern communications services. The loss of a low cost wireless carrier like T-Mobile will limit affordable mobile broadband access, threaten the openness of the mobile Internet and stifle competition in the broadband market. Our communities cannot afford these outcomes, and we are relying on you to block this merger if it is deemed to be in violation of antitrust law and does not meet public interest obligations.

Threat to Affordable Mobile Broadband Access

Broadband is a basic service, and communities of color and low-income consumers are more likely to rely exclusively on mobile connections for access to the Internet. Price is often cited as one of the most important factors that limit broadband adoption, and T-Mobile offers service plans that have lower price points than AT&T. The elimination of T-Mobile as a service option could mean that many of our constituents are faced with the choice of paying more for mobile broadband service or giving up the service completely. This change could undo the limited progress that we have made in bridging the digital divide.

Threat to the Open Mobile Internet

AT&T opposed any mobile Network Neutrality requirements, and it has a history of denying its customers access to the applications that they want. For example, AT&T has blocked both GoogleVoice and Slingbox applications in the past. With increased consolidation, AT&T will have fewer incentives to maintain mobile broadband as an open platform and will be able to further restrict the choice of devices and applications that individuals can use with their mobile connections. Discrimination and blocking in the mobile space will disproportionately impact our communities as we rely more extensively on mobile connections.

Threat to Broadband Competition

The FCC's competition strategy for broadband relies on mobile connections as the "third pipe" that will provide much needed competition in the broadband market. A consolidated mobile market, especially one in which the two largest players also have substantial fixed line business, will not provide the competition we need to bring U.S. prices in line with those in other countries, where people pay less for more.

Although communities of color, low-income families and rural communities will be affected by the outcome of your review, we lack the lobbying machine and political influence in Washington, DC that AT&T has. The impact that this merger would have on affordable mobile phone service, broadband access and adoption, openness on the mobile web and broadband competition presents a real threat to our communities. We hope that the Department of Justice and Federal Communications Commission will examine AT&T's proposed acquisition of T-Mobile with appropriate scrutiny and protect our communities by blocking this merger.

We intend to host a series of open and participatory meetings in our communities to discuss this merger, and we hope that FCC Commissioners will commit to joining us. It is only by communicating directly with people and hearing our stories that you will feel our deep concerns with this merger and the devastating impact it would have on our communities.

Sincerely,

amalia deloney

Policy Director, Center for Media Justice

1. Connie Stewart, California Center for Rural Policy, Humboldt State University
2. Laura Tercosi, OtraTech
3. Sean McLaughlin, Access Humboldt
4. Jay April, Akaku: Maui Community Television
5. Christopher Mitchell, Institute for Local Self Reliance
6. DeAnne Cuellar, Media Justice League
7. Andrea Quijada, Media Literacy Project
8. Scott Sanders, Chicago Media Action
9. Gavin Dahl, Common Frequency
10. Nick Szuberla, Thousand Kites
11. Todd Wolfson, Media Mobilizing Project
12. Erubiel Valladares, Pinos y Campesinos Unidos del Noroeste
13. Ed Petsche, Open Access Connections
14. Steven Renderos, Main Street Project
15. Tracy Rosenberg, Media Alliance
16. Nora Ferrell, Community Media Workshop
17. Roberta M. Rael, Inspired Leaders Inc. & KUNM Youth Radio
18. Rudy Arredondo, National Latino Farmers and Ranchers Trade Association
19. Jonathan Lawson, Reclaim the Media

20. Jeremy Taylor, The People's Channel
21. Erick Boustead, Line Break Media
22. Edyael Casaperalta, Center for Rural Strategies
23. Graciela Sanchez, Esperanza Peace and Justice Center
24. Diana Pando, Proyecto Latina
25. Elandria Willians, Highlander Research and Education Center
26. United Workers from Baltimore
27. Matt Reyes, Twitteros
28. Brandy Doyle, Prometheus Radio Project
29. Oriana Saportas, Berkeley Community Media
30. Eveline Shen, Asian Communities for Reproductive Justice
31. Khalil Shahyd, Center for Social Inclusion
32. Chad Johnston, Durham Community Media
33. Lila Kitaeff, Reel Grrls
34. Oriana Saportas, Berkeley Community Media
35. Khanh Pham, VietUnity
36. Adriann Barboa, Young Women United
37. Archbishop Gregory Richardson, Community Video Filming Corporation
38. Enrique Cardiel, Bernalillo County La Raza Unida
39. Heather Day, Community Alliance for Global Justice
40. Carlos Pareja, Peoples Production House
41. Arif Mamdani, Progressive Technology Project
42. Judy Goldberg, Youth Media Project
43. Amanda Garces, IDEPSCA
44. Lisa Rudman, Making Contact/National Radio Project
45. Margaret Kaplan, MN Center for Neighborhood Organizing
46. Meghan McDermott, Global Action Project
47. Arnoldo Garcia, National Network for Immigrant and Refugee Rights
48. Lucia Martinez, Generation Justice
49. Mike Wassenaar, St. Paul Neighborhood Network
50. Ned Moore, La Asamblea de Derechos Civiles