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Committee on Energy and Commerce  
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October 11, 2006

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The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Dear Chairman Martin:

As you are aware, the Department of Justice (DOJ) today granted unconditional approval to AT&T's acquisition of BellSouth, and the matter is scheduled for consideration by the Federal Communications Commission (FCC) tomorrow.

I find it curious that the Bush Administration's antitrust authorities went forward with approval of the AT&T-BellSouth combination even as last year's telecommunications mergers are still under Federal court review. The Department, in granting unconditional approval, has apparently ignored the competitive harms it identified in prior telecommunications mergers and the conditions imposed to remedy those potential harms.

Pursuant to its statutory responsibilities, the FCC must determine whether the proposed transfer of licenses and authorizations held by BellSouth to AT&T will serve the public interest, convenience and necessity. I offer you no opinions on the merits of the AT&T-BellSouth combination, but I note that in past telecommunications merger reviews, the FCC has gone beyond DOJ and imposed its own conditions to protect consumers and promote competition in the communications marketplace.

Given DOJ's action today, the FCC process will be more important than ever. The independent agency review you have undertaken should reflect the seriousness of the issues implicated by AT&T's acquisition of one of the few remaining Baby Bells.

The Honorable Kevin J. Martin  
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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell". The signature is fluid and cursive, with a large initial "J" and "D".

JOHN D. DINGELL  
RANKING MEMBER

cc: The Honorable Joe Barton, Chairman  
Committee on Energy and Commerce

The Honorable Fred Upton, Chairman  
Subcommittee on Telecommunications and the Internet

The Honorable Edward J. Markey, Ranking Member  
Subcommittee on Telecommunications and the Internet