

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

September 8, 2011

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Attorney General Holder and Chairman Genachowski:

As the committee of jurisdiction for the communications and technology sectors, as well as the Federal Communications Commission, the Energy and Commerce Committee has been closely following the proposed acquisition of T-Mobile USA by AT&T, a transaction that could have sweeping impacts on the communications and technology landscape and the larger U.S. economy.

With America's unemployment rate languishing over nine percent and the economy struggling to recover, our Committee has focused its efforts on encouraging job creation and economic growth. We have therefore been actively monitoring the debates surrounding this acquisition to better understand its impacts on jobs, economic growth and competition. It is clear that this is a complex transaction and it is important that government officials reserve judgment until all of the facts have come to light.

In light of the Department of Justice's recent court filing to enjoin the proposed acquisition of T-Mobile USA by AT&T, we request a bipartisan briefing for Members and staff of the Subcommittee on Communications and Technology on the decisionmaking process at each of your agencies leading up to this filing. Please be prepared to describe the process each agency used, including the extent to which each agency has been considering the impact on jobs and

economic growth, as well other indicia of competition beyond the number of competitors and market share.

We have also seen press reports that the DOJ's "door is open" if AT&T and T-Mobile USA want to address the DOJ's "concerns." We would like to know what the DOJ's specific concerns are and how these concerns relate to the impact on jobs and economic growth. Finally, if your agencies are considering imposing conditions on the transaction, we would like your agency to confirm that it will only consider imposing conditions that are narrowly tailored to remedy transaction-specific harms.

We would like to schedule the bipartisan briefing in the next two weeks. If you have any questions, please contact Committee staff Neil Fried or David Redl at (202) 225-2927.

Sincerely,



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Fred Upton  
Chairman



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Greg Walden  
Chairman  
Subcommittee on Communications and Technology



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Joe Barton  
Chairman Emeritus

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Anna Eshoo, Ranking Member  
Subcommittee on Communications and Technology