

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
AT&T Wireless Services, Inc.,)	WT Docket No. 04-70
Transferor, and)	
Cingular Wireless Corporation,)	
Transferee)	
For Consent to Transfer Control)	

**REPLY COMMENTS OF
THE ALLIANCE FOR PUBLIC TECHNOLOGY**

May 20, 2004

INTRODUCTION

The Alliance for Public Technology (APT) is pleased to submit its Reply Comments in support of the joint application submitted by AT&T Wireless Services, Inc. (“AWS”) and Cingular Wireless Corporation (“Cingular”) in the above-captioned proceeding. APT is a non-profit organization comprised of a broad cross section of public interest groups and individuals that have been advancing the need for the ubiquitous deployment of advanced telecommunications services throughout our nation since 1989. Long before the term “Digital Divide” resonated across the political spectrum, APT maintained that advanced telecommunications services offered unparalleled opportunity to underserved people and communities throughout our nation.

The life-enhancing applications of the technology have been the driving force behind APT’s firm and lasting commitment to equitable access. Advanced telecommunications services – and the widespread, affordable access to these technologies and services – can:

- Bring better and more affordable health care to all citizens;
- Expand educational opportunities for lifelong learning;
- Enable independent living for senior citizens and people with disabilities;
- Create opportunities for jobs and economic advancement, as well as the ability to control one's own finances;
- Make government more responsive to all citizens; and
- Simplify access to communications technology.

DISCUSSION

The Alliance has previously urged the Commission to evaluate whether proposed mergers serve “the public interest, convenience and necessity”¹ by examining whether the transaction promotes the goal of Section 706 of the Telecommunications Act of 1996 to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans.”²

APT's primary reason for supporting this merger is that it will enhance the combined entity's ability to accelerate deployment of advanced wireless 3G networks. Currently, Cingular and ATT use their spectrum to maintain 3 networks: the original cellular network (which the FCC requires), a TDMA digital network, and a GSM network that serves as transition to 3G. Thus, it lacks the capability to offer a truly 3G network. The new entity will be able to use the combined spectrum more efficiently, facilitating the move to a 3G network with the capability of providing consumer access to

¹ 47 USC SEC. 310 (d). See also, 47 USC Sec. 214 (a).

² See Comments of the Alliance for Public Technology, *In the Matter of GTE Corp., Transferor, and Bell Atlantic Corp., Transferee, For Consent to Transfer Control*, CC Docket No. 98-184 (November 23, 1998); and Response of the Alliance for Public Technology, *In the Matter of Amended Applications of WorldCom, Inc. an MCI Communications Corp. for Transfer of Control of MCI Communications Corp. to WorldCom, Inc.*, CC Docket No. 27-211 (January 26, 1998).

advanced wireless services, including high-speed Internet transmission, multimedia messaging and streaming video.

In addition, the combined companies' commitment to "Substantially improve the quality of existing voice and basic data services nationwide"³ is encouraging. As Self Help for Hard of Hearing People (SHHH) observed in its May 13, 2004 Comments to the Commission:

The combined company services could be even better and reach a much higher percentage of the millions of individuals who have or will have hearing loss. Cingular Wireless has supported a range of efforts to address the technological barriers to people who have hearing loss. Almost all their handsets are TTY compatible and 711 access to relay services is available. From what SHHH understands, Cingular tests their networks for TTY compatibility before roll out and have actually delayed roll out to be certain they can provide TTY compatibility to the deployment of advanced 3-G technology.⁴

CONCLUSION

APT believes that the merger of Cingular and AWS is in the public interest. The combined entity can accelerate the deployment of advanced wireless networks (3-G) and serve the many consumers – including the people with disabilities – whose lives can be enhanced by access to advances in communications technology. APT strongly suggests, however, that the Commission monitor closely and assess the merged company's deployment as is consistent with its oversight responsibility under Section 706.

Respectfully submitted,

Arturo Gandara
Chair, Public Policy Committee

³ See Ex Parte Comments of Cingular *Regarding Transfer of licenses from AT&T Wireless to Cingular Wireless WT Docket No. 04-70* (April 12, 2004).

⁴ See *Comments of Self Help for Hard of Hearing People (SHHH), In the Matter of T ransfer of Licenses from AT&T Wireless to Cingular Wireless, CC Docket No. 04-70* (May 13, 2004).