

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

United States of America,)	
)	
Plaintiff,)	Civil Action No.: 1:05CV02102 (EGS)
)	
v.)	
)	
SBC Communications, Inc. and)	
AT&T Corp.,)	
)	
Defendants.)	
)	
United States of America,)	
)	
Plaintiff,)	Civil Action No.: 1:05CV02103 (EGS)
)	
v.)	
)	
Verizon Communications Inc. and)	
MCI, Inc.,)	
)	
Defendants.)	
)	
)	

**MEMORANDUM OF THE UNITED STATES IN OPPOSITION
TO COMPTTEL’S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL
MEMORANDUM**

The United States opposes COMPTTEL’s Motion for leave to file a supplemental memorandum in support of its motion to intervene here. COMPTTEL has already filed both a memorandum in support of its attempt to intervene and a reply to the parties’ oppositions. Its proposed supplemental memorandum neither raises new relevant issues nor provides information that would be helpful to the Court in determining whether the proposed Final Judgments are in the public interest.

COMPTEL's proposed supplemental filing relates solely to the proposed merger between AT&T, Inc. and BellSouth Corp. announced last week. That transaction is not at issue in this proceeding. The United States' Complaints here allege that the mergers of SBC and AT&T, and of Verizon and MCI, violate Section 7 of the Clayton Act because they are likely to reduce competition in the provision of Local Private Lines and related services in several hundred specifically identified buildings. The issues in this Tunney Act proceeding are whether the proposed Final Judgments adequately remedy the competitive problem alleged in the Complaints and are in the public interest. The answers to these questions do not depend on future events, such as a merger, that may occur.

Over the coming months, the United States will conduct a full investigation of the competitive effects of the proposed AT&T/BellSouth merger, and will consider, among other things, the complaints and theories raised in COMPTEL's memorandum. At the conclusion of that investigation, the United States will take whatever action is warranted. COMPTEL's proposed supplemental memorandum exposes COMPTEL's intent to use this proceeding to air, and perhaps litigate, its complaints about a proposed transaction that is not before the Court here, that will be investigated by the United States, and that may eventually become the subject of a separate Tunney Act proceeding. Expanding this Tunney Act proceeding to encompass speculative future events would unnecessarily and unwisely complicate this proceeding and risk impeding the ability of the United States fully and fairly to investigate the recently proposed transaction.

For the foregoing reasons, COMPTEL's Motion for Leave to File a Supplemental Memorandum should be denied.

Respectfully submitted,

/s/

Laury E. Bobbish
Assistant Chief

/s/

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