

FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
MARKET DISPUTES RESOLUTION DIVISION  
445 12TH, S.W.  
WASHINGTON, DC 20554

November 17, 2015

**Via E-Mail**

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Re: *AT&T Mobility LLC v. Iowa Wireless Services LLC*, Proceeding No. 15-259; File No. EB-15-MD-007

Dear Counsel:

On November 6, 2015, defendant Iowa Wireless Services LLC (“iWireless”) filed its Motion to Compel Compliance with Confidentiality Orders and for Related Relief.<sup>1</sup> In sum, the Motion to Compel alleged that complainant AT&T Mobility LLC (“AT&T”) disclosed information in its Complaint<sup>2</sup> in violation of the confidentiality rules governing a staff-supervised mediation. iWireless requested the following relief: (1) dismissal of the Complaint without prejudice to the right of AT&T to file a new complaint that omits the allegedly confidential material; (2) suspension of the procedural schedule set forth in the October 26, 2015 Notice of Formal Complaint<sup>3</sup> unless and until AT&T files a new formal complaint; and (3) disqualification of declarant Jonathan Orszag, AT&T’s expert, based on AT&T’s alleged improper disclosure of information to Mr. Orszag.<sup>4</sup> iWireless stated that, notwithstanding its request to suspend the schedule, it will abide by its earlier commitments to file its response to the AT&T Motion for Interim Relief on or before November 20, 2015 and to maintain the status quo with respect to its provision of roaming service to AT&T at least until December 20, 2015.<sup>5</sup> AT&T filed its opposition to the Motion to Compel on November 16, 2015.<sup>6</sup>

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<sup>1</sup> Motion to Compel Compliance with Confidentiality Orders and for Related Relief Proceeding, No. 15-259; File No. EB-15-MD-007 (filed Nov. 6, 2015) (Motion to Compel).

<sup>2</sup> See Formal Complaint and Legal Analysis of AT&T Mobility LLC, 15-259; File No. EB-15-MD-007 007 (filed October 21, 2015) (Complaint).

<sup>3</sup> Notice of Formal Complaint, No. 15-259; File No. EB-15-MD-007 007 (filed Oct. 26 2015) (Notice of Formal Complaint).

<sup>4</sup> Motion to Compel at 11-13.

<sup>5</sup> Motion to Compel at 12; see Letter from Lisa Saks, Assistant Chief, Market Disputes Resolution Division, EB-FCC, to Counsel for AT&T and counsel for iWireless, No. 15-259; File No. EB-15-MD-007 007 (filed October 29, 2015); Motion for Interim Relief, No. 15-259; File No. EB-15-MD-007 007 (filed October 21, 2015).

<sup>6</sup> AT&T Mobility LLC’s Opposition to iWireless’s Motion to Compel, No. 15-259; File No. EB-15-MD-007 (filed Nov. 16, 2015).

Staff have taken the Motion to Compel under advisement. In the meantime, the schedule in this matter is suspended until further notice, except as follows:

(1) iWireless must file its opposition to AT&T's Motion for Interim Relief by November 20, 2015, as it previously agreed to do; (2) by December 4, 2015, both parties must exchange and file Best and Final Offers (BAFOs) setting forth each party's proposed terms for a roaming agreement to govern the parties' roaming relationship on a going forward basis (as specified in the Notice of Formal Complaint); (3) the parties are directed to attempt to reach a stipulation regarding what information must be excluded from the record under the confidentiality rules governing the mediation, and to file any such stipulation by December 4, 2015; and (4) the parties are directed to attempt to reach agreement regarding what information from the arbitration proceeding may be used in this proceeding; if such agreement cannot be reached, the parties shall file a joint letter by December 4, 2015 setting forth their differing views on this matter.

This letter ruling is issued pursuant to sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, sections 1.3, 1.720-1.736, and 20.12 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.720-1.736, 20.12 and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311.

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