

**Before the FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
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)	
VOICESTREAM WIRELESS)	
CORPORATION,)	
)	
Transferor,)	
)	
and)	IB Docket No. 00-187
)	
DEUTSCHE TELEKOM AG,)	
)	
Transferee,)	
)	
)	
Application for Consent to Transfer of Control.)	

**COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY
SUPPORTING VOICESTREAM WIRELESS CORPORATION AND
DEUTSCHE TELEKOM AG REQUEST FOR CONSENT TO TRANSFER OF
CONTROL**

The Alliance for Public Technology (APT), 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 Moreover, APT has advocated that the Commission use "social compacts" with merged entities 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 (Nov. 23, 1998); and Response of the Alliance for Public Technology, In the Matter of Amended Applications of WorldCom, Inc. and MCI Communications Corp. for Transfer of Control of MCI Communications Corp. to WorldCom, Inc., CC Docket No. 27-211 (Jan. 26, 1998).

utilize their enhanced market power and increased investment capacity to meet Section 706's objective of ubiquitous broadband deployment.³

The Alliance for Public Technology (APT) is a nonprofit organization of more than 300 public interest groups and individuals. APT's members work together to foster broad access to affordable, usable information and communications services and technology for the purpose of bringing better and more affordable health care to all citizens, expanding educational opportunities for lifelong learning, enabling people with disabilities to function in ways they otherwise could not, creating opportunities for jobs and economic advancement, making government more responsive to all citizens and simplifying access to communications technology. To this end, it is APT's goal to foster public policies that:

make available as far as possible, to all people of the United States, regardless of race, color, national origin, income, residence in rural or urban area, or disability high capacity two-way communications networks capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video and other types of telecommunications services.⁴

APT encourages the Commission to approve the request of VoiceStream Wireless Corporation (VoiceStream) and Deutsche Telekom AG (DT), to transfer control to DT of VoiceStream's interests in section 214 and Title III authorizations pursuant to sections 214(a) and 310(d) of the Communications Act of 1934, as amended (the Act)⁵ because it will promote advanced services deployment and foster competition within and without the merged company's region.

³ See, for example, Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement Section 706 of the 1996 Telecommunications Act, CC Docket No. 9244 (Feb. 18, 1998) (APT Petition) at 33.

⁴ Alliance For Public Technology, *Principles to Implement the Goal of Advanced Service* at 3 (1995).

1. DT's Expertise With Advanced Wireless Features Will Benefit Consumers

The merger with DT will enable VoiceStream to speed deployment of next-generation wireless services. DT's innovation in providing advanced wireless services in Europe will make available value-added services presently unavailable in the United States such as worldwide voicemail access numbers, transferable prepaid calling plans, travel assistance and other services available through the introduction of the GPRS standard. VoiceStream is a small national wireless provider. As a result of improved economies of scale and scope, the merger may provide price reductions while enhancing consumer choice and innovation.

2. The Transfer Will Create Pro-competitive Benefits

The various service enhancements and potential price reductions will not likely be limited to VoiceStream's subscribers. VoiceStream's becoming an early provider of GPRS-based services and a truly national player will likely spur other carriers to upgrade their service resulting in improved service offerings overall.

APT supports the marketplace for its creativity and innovative capacity, but understands that it does not ensure that everyone in the country will enjoy the life-enhancing benefits of sophisticated information technologies. As it considers the proposed merger conditions, APT asks the Commission to recognize that competition alone will not bridge the growing digital divide in the development and deployment of advanced communications networks.

APT firmly believes that Congress intended for competition to be a means for achieving Section 706's goal of universal advanced telecommunications infrastructure deployment, and not a means for undermining that objective. Recognizing the

⁵ See 47 U.S.C. §§ 214, 310(d).

predisposition of industry to compete by serving high-volume business and affluent customers, the Alliance urges the Commission to monitor closely and assess the effectiveness of the conditions it imposes by establishing a mechanism for annual reporting and review of the merged company's deployment. Consistent with the FCC's oversight responsibility under Section 706, we ask that the Commission impose similar conditions in all mergers. By fulfilling its mandate and focusing attention on the importance of Section 706 and its goals, the Commission can significantly promote the public's interest in a competitive marketplace.

Respectfully submitted,

Pace Duckenfield
Counsel
The Alliance for Public Technology
919 Eighteenth Street, N.W.
Suite 900
Washington, DC 20006