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October 6, 2006

HAND DELIVER

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, Massachusetts 02110

Re: Investigation of Rates to be Charged by the Massachusetts
Turnpike Authority to Wireless Providers, D.T.E. 06-70

Dear Secretary Cottrell:

On October 4, 2006 the so-called Joint Carriers, namely Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC, and Sprint Spectrum L.P. and Nextel Communications of the Mid-Atlantic, Inc., filed a Motion to Compel Responses to Discovery and Motion for Clarification of the Procedural Ground Rules as Relating to the Scope of Discovery. In this Motion the Joint Carriers requested that the Department compel the Massachusetts Turnpike Authority ("MTA") to respond to the first set of information requests of the Joint Carriers filed on September 19, 2006. These responses were due to be filed by September 26, 2006. The Motion also suggested that the Department consider sanctions for the failure to respond timely and confirm its well-established policy with respect to the proper scope of discovery.

Omnipoint Communications Inc. d/b/a T-Mobile USA notes that, subsequent to the filing of the Motion, the MTA has filed certain responses to information requests of the Joint Carriers and the Department. T-Mobile is reviewing these responses for content but must note its concern with respect to the effect of delays in producing responses and the potential prejudice to T-Mobile. T-Mobile had previously described that importance of firm dates for discovery responses and the fact that it was incumbent upon all parties to participate constructively in this proceeding. T-Mobile remains committed to this goal. T-Mobile, however, is concerned that its ability to effectively review the MTA proposal as well as the presentation of the Joint Carriers has been prejudiced by the MTA's delays. T-Mobile believes that the Motion has accurately stated these same concerns. T-Mobile also believes some compensatory adjustments may eventually be appropriate, including, perhaps, the opportunity to present limited rebuttal testimony from T-Mobile or some other process to efficiently develop an appropriate evidentiary record. Again, T-Mobile will continue its efforts to participate



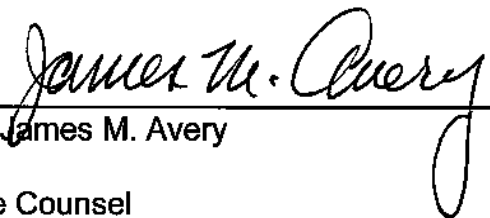
Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
October 6, 2006
Page 2

effectively and efficiently in this proceeding and reserves its right to seek future accommodations in the procedural schedule.

Thank you for your consideration.

Very truly yours,

BROWN RUDNICK BERLACK ISRAELS LLP

By: 
James M. Avery

JMA/cdw

cc: Michele K. Thomas, Senior Corporate Counsel
Jennifer M. Kiely, Esq.
Service List

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