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Pols call for delay of AT&T-BellSouth merger

By [SCOTT LEITH](#)

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Two congressmen have asked the Justice Department to slow down a review of the pending merger of AT&T and BellSouth.

The representatives, James Sensenbrenner (R-Wis.) and John Conyers (D-Mich.), sent a letter Wednesday to Attorney General Alberto Gonzales, questioning the possible approval of the AT&T-BellSouth deal before a judge completes his review of two other telecommunications mega-mergers from last year.

The letter, along with one sent to Justice by two senators, was touted Thursday by a group called the Competition Coalition, which opposes the AT&T-BellSouth combination.

The spotlight on the pending deal is intensifying as the Justice Department and the Federal Communications Commission both move closer to approving the merger. AT&T wants to complete its purchase of BellSouth as soon as next month, while opponents want to place certain restrictions on the deal.

The Justice Department must review mergers, and then a court must conduct its own review.

At the moment, a judge is looking at the approvals of two big mergers from 2005: Verizon Communications-MCI and SBC Communications-AT&T. The review is required under what is known as the Tunney Act.

"The court is examining the sufficiency of proposed remedies intended to alleviate competitive harm," Sensenbrenner and Conyers wrote. "Any court decision in the pending Tunney Act proceedings would necessarily affect the department's review and analysis of the proposed AT&T-BellSouth merger."

AT&T, however, disagrees with requests for the Justice Department to slow down its review of the BellSouth deal to wait for the judge's decision regarding last year's deals.

"We see no reason for a delay," said AT&T spokesman Dave Pacholczyk. "These are different mergers. Our merger with BellSouth is proceeding along a separate path and is not part of the court's review."

The current AT&T was created when SBC Communications of San Antonio bought the old AT&T and took on the famous name.

In a separate letter, senators Patrick Leahy (D-Vt.) and Herb Kohl (D-Wis.) objected to the Justice Department's practice of letting mergers close before Tunney Act review.

"Serious questions arise as to whether endorsing the parties closing their deals in advance of Tunney Act review effectively negates the requirement of public interest judicial review," the letter said.


The Justice Department does not comment on pending reviews, as in the AT&T-BellSouth case.

Andrew Schwartzman, a member of the Competition Coalition, supports requests for a delay. "Were the DOJ and FCC to approve the AT&T-BellSouth merger before federal judicial review of prior Bell mergers, this administration will have demonstrated yet again that it has never met a merger it won't approve," Schwartzman said, in a prepared statement.

Last week, FCC Chairman Kevin Martin circulated a plan to approve the AT&T-BellSouth deal without conditions. The FCC's next meeting is currently scheduled for Oct. 12. Typically, the FCC lets the DOJ announce its decision first.

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