

August 6, 2014

James W. Cicconi  
Senior Executive Vice President – External and Legislative Affairs  
AT&T Services, Inc.  
1120 20th St. NW, 10th Floor  
Washington, DC 20036

Re: Notification of Intent to File Formal Complaint Against AT&T Services  
Inc. for Violations of 47 C.F.R. § 8.3

Dear Mr. Cicconi:

Pursuant to 47 C.F.R. § 8.13(c), this letter hereby notifies AT&T Services Inc. of Public Knowledge’s intent to file a formal complaint under the Federal Communication Commission’s Open Internet rules. We intend to file this complaint in response to AT&T’s policy of throttling some subscribers to unlimited data plans when those subscribers are connected to congested cell sites.<sup>1</sup> AT&T’s failure to disclose specific information about which cell sites are being throttled at any given time violates 47 C.F.R. § 8.3. This rule obligates AT&T to “publicly disclose accurate information regarding network management practices . . . sufficient for consumers to make informed choices regarding use of such services.”

If AT&T decides to continue with this throttling practice, Public Knowledge respectfully requests that AT&T publish, in an open and accessible format, real-time information about which of its cell sites are experiencing peak usage. This information may help subscribers subject to throttling avoid those congested areas. Publishing the information in open and accessible formats will allow third parties to build tools to facilitate this avoidance, and potentially provide users with additional guidance.

Respectfully,

/s/ Michael Weinberg  
Vice President  
Public Knowledge  
1818 N St. NW  
Suite 410  
Washington, DC 20036

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<sup>1</sup> AT&T, *Data Usage Information & FAQs from AT&T*,  
<http://www.att.com/esupport/datausage.jsp?source=IZDUe1160000000U>.