

EXHIBIT B

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AT&T WIRELESS

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 BAY AREA CELLULAR TELEPHONE)
16 COMPANY, A CALIFORNIA)
17 PARTNERSHIP, D/B/A AT&T WIRELESS)
18 Plaintiff,)
19 v.)
20 THE CITY AND COUNTY OF SAN)
21 FRANCISCO, CALIFORNIA, *et al.*,)
22 Defendants.)
23

No. 03 cv 04866 (PJH/EDL)

DECLARATION OF CATHERINE BLUE

24
25 I, CATHERINE BLUE, do hereby declare as follows:

26 1. I am Chief Land Use Counsel for Cingular Wireless (hereinafter "Cingular"). In
27 this capacity, I have the primary responsibility for the handling of the above-captioned action. I
28 am submitting this Declaration pursuant Magistrate LaPorte's March 10, 2005 Order regarding

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1 Defendants' Motion to Compel Further Discovery. I have personal knowledge of the matters
2 stated herein, and if called as a witness could testify competently thereto.

3 2. With respect to Defendants' Request for Production No. 9, I spoke with several
4 representatives within Cingular/ATTW's Customer Service Department to perform a thorough
5 and diligent search of its complaint records involving San Francisco customers for the time
6 period starting in 2003 when AT&T Wireless ("ATTW") started providing wireless services in
7 the City and County of San Francisco using Global Systems for Mobile (GSM) technology
8 pursuant to the Court's Order. I was informed by these representatives that while
9 Cingular/ATTW's complaint records may contain references to coverage issues as well as other
10 customer service issues, the complaint records are not organized by geographic market.
11 Furthermore, I was informed that Cingular/ATTW's complaint records are unlikely to contain
12 documents responsive to this request regarding the quality or coverage in the vicinity of the SBC
13 Central Office Building located at 378 10th Avenue in San Francisco as the complaint records do
14 not contain such detailed information. As such, ATTW has not located any documents
15 responsive to Request for Production No. 9 at this time. Cingular/ATTW's customer service
16 representatives are continuing to determine whether there is a method to organize the complaint
17 records by geographic market to determine whether ATTW has any documents responsive to
18 Request for Production No. 9.

19 3. With respect to Defendants' Request for Production Nos. 10, 11, and 12, I
20 directed Cingular's radio frequency engineer Marcelo Pontin and Cingular's outside counsel to
21 perform a thorough and diligent search for all back up documents relating to the charts entitled
22 "Key Network Performance Metrics," "Existing GSM Coverage," and "Proposed GSM
23 Coverage" that ATTW submitted to the San Francisco Board of Supervisors ("Board") on
24 September 16, 2003. As part of this search, Marcelo Pontin performed a thorough search of the
25 computer files and paper files in Cingular's South San Francisco office which directed much of
26 the work relating to the antenna site at SBC Central Office Building located at 378 10th Avenue
27 in San Francisco. Mr. Pontin could not find any computer files or documents relating to the
28

1 drive tests performed prior to the Board hearing on September 16, 2003. It is not ATTW's
2 policy and practice to retain the type of back up information requested here.

3 4. Similarly, I directed Jim Heard of MacKenzie and Albritton LLP, ATTW's
4 outside counsel for the conditional use permit application, to perform a thorough search of their
5 files for documents responsive to Defendants Request for Production Nos. 10, 11 and 12. Mr.
6 Heard could not find any computer files or documents relating to the drive tests performed prior
7 to the Board hearing on September 16, 2003.

8 5. Also as part of the search for documents responsive to Defendants' Request for
9 Production Nos. 10, 11, and 12, I directed Cingular's outside counsel to contact Danesh Banga
10 and Ajay Khanna who are the radio frequency engineers for WFI, an outside contractor, that
11 performed the drive tests used to create the charts submitted to the Board on September 16, 2003.
12 Mr. Banga and Mr. Khanna performed a thorough search of their computer files and paper files
13 and could not find any computer files or documents relating to the drive tests performed prior to
14 the Board hearing on September 16, 2003. In addition, Cingular's outside counsel contacted
15 various WFI representatives, including WFI's in-house legal counsel, to determine why WFI no
16 longer had the computer files or documents relating to the drive tests. The WFI representatives
17 stated that WFI would have provided those files or documents to the client upon completion of
18 the drive testing, and it is not WFI's policy and practice to retain the type of back up information
19 requested upon completion of the project.

20 6. With respect to Defendants' Request for Production No. 20, ATTW has
21 previously produced certain documents responsive to this Request. These documents were
22 produced bates-labeled P00084-P00103, P00448-P00449, P00515, P00528-P00530, P00538-
23 P00552. In addition, I directed Cingular's outside counsel to contact WFI, the outside contractor
24 that were hired by ATTW to assist in the planning and development of the antenna site at SBC
25 Central Office Building located at 378 10th Avenue in San Francisco. As part of this search,
26 Cingular's outside counsel contacted various WFI representatives, including WFI's in-house
27 legal counsel, to try to obtain invoices for the radio frequency consulting work performed by
28 WFI on ATTW's behalf relating to this site. The WFI representatives stated that WFI's invoices

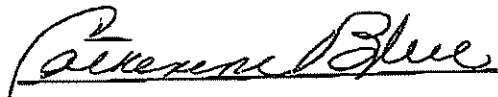
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covering WFI's work performed relating to this site are not itemized by a particular site. Rather, WFI would have invoiced ATTW on an aggregate basis for all of WFI's radio frequency engineering consulting work relating to all of ATTW antenna sites in the United States for a particular month. As such, the WFI invoice would not have any information responsive to Request No. 20.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, executed this 22nd day of March, 2005 at Paramus, New Jersey


CATHERINE BLUE

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PROOF OF SERVICE

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AT&T WIRELESS v. THE CITY AND COUNTY OF SAN FRANCISCO
U.S. District Court, Northern District, Case No. 03 cv 04866 (PJH)

I, the undersigned, hereby declare that I am over the age of 18 years and not a party to the above-captioned action; that my business address is 50 California Street, Suite 2800, San Francisco, CA 94111-4624.

On March 22, 2005, the following document(s) were served:

DECLARATION OF CATHERINE BLUE

on the parties to this action at the following address(es):

William K. Sanders, Esq.
Deputy City Attorney
Office of the City Attorney
City and County of San Francisco
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
Fax: 415.554.4757

(BY MAIL) I caused a true copy of each document(s) to be placed in a sealed envelope with first-class postage affixed and placed the envelope for collection. Mail is collected daily at my office and placed in a United States Postal Service collection box for pickup and delivery that same day.

(BY MESSENGER) I caused a true copy of each document(s) to be delivered by hand to the office(s) of each addressee.

(BY FACSIMILE) I caused a true copy of each document(s) to be transmitted by fax to the addressee(s) at the fax number(s) noted above. The fax machine used complied with California Rules of Court §2003(3) and no error was reported.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed March 22, 2005, at San Francisco, California.



Patricia Giatis

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