

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 14 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

AT&T INC. and DOBSON
COMMUNICATIONS CORPORATION,

Defendants.

Civil No. 1:07-cv-1952 (ESH)

**ORDER ON PETITION BY PLAINTIFF UNITED STATES
FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT
AT&T INC. SHOULD NOT BE FOUND IN CIVIL CONTEMPT**

WHEREAS plaintiff United States having filed its Petition for an Order to Show Cause Why Defendant AT&T Inc. Should Not Be Found in Civil Contempt (“Petition to Show Cause”) on January 14, 2009, and plaintiff and defendant AT&T Inc. (“AT&T”) having consented to the entry of this Order on Petition by the United States for an Order to Show Cause Why Defendant AT&T Inc. Should Not Be Found in Civil Contempt (“Order”) without trial or adjudication of any issue of fact or law herein, and without this Order constituting any evidence against or an admission by defendant AT&T with respect to any allegation contained in the Petition to Show Cause;

AND WHEREAS defendant AT&T agrees to be bound by the provisions of this Order pending its approval by the Court;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby

ORDERED, ADJUDGED, and DECREED as follows:

I.

JURISDICTION

This Court has jurisdiction over the subject matter of this action and each of the parties consenting hereto under its inherent powers to enforce orders and Section XII of the Final Judgment entered by this Court on March 20, 2008, in *United States v. AT&T Inc. and Dobson Communications Corporation*, No. 1:07-cv-1952 (D.D.C. 2008).

II.

APPLICABILITY AND EFFECT

A. The provisions of this Order shall be binding upon defendant AT&T, its subsidiaries, successors, and assigns, and those persons in active concert or participation with AT&T who receive actual notice of this Order.

B. This Order constitutes a full and complete disposition of defendant AT&T's alleged violations of Sections V.E, VI.B, VI.J and VI.K of the Preservation of Assets Stipulation and Order entered by this Court on November 2, 2007, and Section VIII of the Final Judgment entered by this Court on March 20, 2008, as described in the Petition to Show Cause.

C. Nothing in this Order shall bar plaintiff United States from seeking, or the Court from imposing on defendant AT&T, any other relief available under any applicable provision of law for any violation of the Preservation of Assets Stipulation and Order, Final Judgment, or this Order, other than the violations of Sections V.E, VI.B, VI.J and VI.K of the Preservation of Assets Stipulation and Order and Section VIII of the Final Judgment, as alleged in the Petition to Show Cause.

III.

CIVIL PAYMENT

A. Within thirty (30) days of entry of this Order, defendant AT&T shall pay \$2,050,000 to the United States, which includes reimbursement to the United States for its investigation of the violations alleged in the Petition to Show Cause.

B. The payment to the United States specified in Paragraph III.A shall be made by wire transfer or cashier's check. If the payment is to be made by wire transfer, AT&T first must contact the Antitrust Division's Antitrust Documents Group at (202) 514-2481 for instructions. If payment is to be made by cashier's check, AT&T shall make the check payable to the United States Department of Justice and delivered to:

Janie Ingalls
Antitrust Division
United States Department of Justice
First Floor, Liberty Square Building
450 Fifth Street, N.W.
Washington, DC 20530

for transmission to the U.S. general treasury.

C. In the event of a default in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of default to the date of payment.

D. Defendant AT&T shall not claim this payment, in whole or in part, as a deductible expense by defendant AT&T, its subsidiaries, divisions, or affiliates for tax purposes under any state tax code, the United States Tax Code, or the tax code of any other country.

IV.

RETENTION OF JURISDICTION

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Order to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Order, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

Date: 1/17/09

Allen S. Murck
United States District Judge