

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

WASHINGTON, DC 20511

July 11, 2006

VIA FACSIMILE (202) 736-8711
AND FIRST CLASS MAIL

Edward R. McNicholas
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005

Dear Mr. McNicholas,

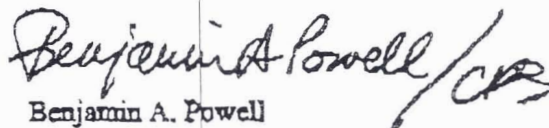
We understand that subpoenas duces tecum issued by two Missouri Public Service Commissioners were served upon TCG Kansas City, Inc., TCG St. Louis Holdings, Inc., SBC Long Distance, L.L.C., SBC Advanced Solutions, Inc., Southwestern Bell Telephone, L.P., and AT&T Communications of the Southwest, Inc. on June 19, 2006, and June 22, 2006. The subpoenas seek materials and information allegedly disclosed to the National Security Agency, and materials and information related to the alleged release of customer proprietary information.

Compliance with the subpoenas by these entities would place them in a position of having to confirm or deny the existence of information that cannot be confirmed or denied without harming national security. Further enforcement of the subpoenas would be inconsistent with, and preempted by, federal law.

The subpoenas infringe upon federal operations, are contrary to federal law, and accordingly are invalid under the Supremacy Clause of the United States Constitution. Responding to the subpoenas, including disclosing whether, or to what extent, any responsive materials or information exist, would violate various specific provisions of federal statutes and Executive Orders. Further, the Director of National Intelligence recently asserted the state secrets privilege with respect to the very same topics and types of information sought by the subpoenas. This underscores that any such information cannot be disclosed. Finally, the United States recently filed a lawsuit against the Attorney General and other officials of the State of New Jersey, and several telecommunication carriers, seeking a declaration that the defendant state officials do not have the authority to enforce similar subpoenas, and that the defendant telecommunication carriers cannot respond to the subpoenas. For these reasons, please be advised that it is our position that enforcing compliance with, or responding to, the subpoenas would be inconsistent with, and preempted by, federal law.

Please do not hesitate to contact me or Michael Castelli of my office should you have any questions in this regard.

Sincerely,



Benjamin A. Powell
General Counsel