



Jordan L. Ludwig
JLudwig@crowell.com
(213) 443-5524 direct

Crowell & Moring LLP
515 South Flower Street
41st Floor
Los Angeles, CA 90071
+1.213.622.4750 main
+1.213.622.2690 fax

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VIA EMAIL

Jose Roman Lavergne
Hausfeld
888 16th Street, N.W., Suite 300
Washington, D.C. 20006
jlavergne@hausfeld.com

Re: Dale v. Deutsche Telekom AG, Case No. 1:22-cv-03189 (N.D. Ill.)

Dear Jose:

We write in response to your letter dated January 31, 2025, which asks numerous questions related to the data sample non-party AT&T provided on November 19, 2024. As I previewed in my email dated February 21, 2025, this letter provides responses to certain—but not all—questions in your letter. We are diligently researching answers to your remaining questions, and we will provide answers to the remaining questions as soon as we are able.

I. Requests for Clarification on the Production’s Responsiveness to the Subpoena

Your letter states, “*First, AT&T does not appear to have produced a complete data dictionary for the following four files: “bill_subscriber,” “bill,” “charge_encharge” and “adjustment” files. Will AT&T produce a complete data dictionary for these data files?*” AT&T agrees to provide necessary data dictionaries around the time of its final data production.¹

Plaintiffs also state, “*Moreover, the data sample does not appear to contain substantial portions of the data requested in Request No. 25 (historical subscriber data). The monthly subscriber data provides some information (e.g., original contract terms and features, dates of plan price or other term changes) for subscribers who were new to AT&T during the period covered by the data production. However, Plaintiffs cannot infer this for subscribers who were already AT&T customers at the start of the data period.*” As I outlined in my e-mail dated February 21, 2025, AT&T agrees to produce structured subscriber data going back to January 1, 2018, to the extent

¹ As we discussed on our call on March 3, we note that the field names in our final data production differ from the first data sample provided. As we have stated on numerous occasions, AT&T has experienced substantial technical difficulties in determining a viable method of pulling the volume of data Plaintiffs seek. After a thorough investigation, AT&T concluded that it would not be possible to pull the data Plaintiffs are seeking from the data system the sample was retrieved from (Telegence). We have, however, determined an alternative data system from which it will be possible to retrieve the data (Snowflake). We will provide a document to you that identifies which fields in Snowflake correspond to the fields in Telegence.



data is available and reasonably accessible.² It is unclear why Plaintiffs need to know the “original contract terms” (and other historical information) for customers who were AT&T subscribers prior to the start of the data period. These customers may have been AT&T subscribers for decades, including prior to 2010. Under AT&T’s proposal, Plaintiffs will have up to more than two years of “historical subscriber data” before the merger. Data dating back farther than January 1, 2018 is unnecessary and disproportionate to the needs of the case.

Plaintiffs also state that “*several elements of the data requested in Request No. 21 (monthly subscriber-level data) do not appear to be included in the data dictionary.*” We address each of those in turn.

- “*Monthly measures of the cost of providing the subscriber service.*” AT&T does not allocate costs of providing wireless service at the subscriber level in the ordinary course of its business.
- “*A breakdown of data usage (time and amount) by 3G, 4G, or 5G network.*” Based on a diligent search, we have concluded that AT&T does not maintain a breakdown of data usage at the subscriber level in the ordinary course of business.
- “*Measure of data upload and download speeds, latency, and packet loss.*” Based on a diligent search, we have concluded that AT&T does not maintain this data at the subscriber level in the ordinary course of business.
- “*Overage fees; specifically, no separate field for overage fees exists in the bill data sample. Overage volumes may be inferred from the charge_encharge data sample, but not overage fees.*” We are determining whether there is a systematic way to reliably identify overage fees in the structured data AT&T maintains in the ordinary course of business.

The letter also asks, “*For discounts (e.g., autopay discounts) and promotional benefits or other benefits (e.g., free or discounted phones), will AT&T provide descriptions of the discounts in its adjustments data sample?*” In the data AT&T will produce from Snowflake, all discounts are captured under the GL_AMT field, where GL_LGCL_ACCT_CD=“ADJ”. From there, the data we will produce contains a new field titled ADJ_ACTVT_RSN_CD, which, among other things, contains discount related codes. The data dictionary we will provide will contain short descriptions for these codes.

Finally, your letter states, “*we understand that AT&T maintains data on subscribers’ Census Block Groups and zip codes in its subscriber data.*” AT&T maintains data on subscribers’ zip codes, but our understanding is that Census Block data is not kept in the ordinary course of business at the subscriber level. Can you please provide us with the basis of your understanding that AT&T maintains this data in the ordinary course of its business?

² Specifically, AT&T agrees to produce data kept in the ordinary course of business and that is reasonably accessible to it from January 1, 2018, in accordance with the fields contained in our data sample and to the extent it is technically feasible to obtain all of those fields on the scale of the production Plaintiffs are requesting.



II. Questions Related to the Data Produced

Plaintiffs' questions in this section are specific to the Telegence data and its fields. Given that AT&T's data pull will now come from Snowflake, which has a different structure and different field names, we believe these questions are now moot. Should you still require answers to these questions (or others) after your consultants have reviewed the new data sample, please let us know.

As mentioned above, we are diligently working to provide you with answers to the remaining questions, and we will send a supplemental letter as soon as we can.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jordan L. Ludwig'.

Jordan L. Ludwig