

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

Exhibit 6

PUBLIC SERVICE COMMISSION

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June 14, 2006

06-19-06P04:13 RCVD

~~Donna Lieberman, Executive Director~~  
~~Corey Stoughton, Staff Attorney~~  
New York Civil Liberties Union  
125 Broad Street  
New York, New York 10004

Re: New York Civil Liberties Union's Complaint and Request for Investigation  
of AT&T and Verizon.

Dear Ms. Lieberman & Mr. Stoughton:

Please accept this letter as my formal response to your correspondence regarding the recent media reports of the alleged cooperation of AT&T and Verizon with the National Security Agency, as well as the Federal Communications Commission's (FCC) actions with respect thereto. As an initial matter, I note that the Public Service Commission of the State of New York takes very seriously the commitment made by the utilities under its jurisdiction to protect the privacy of their customers. In this matter, however, I must inform you that the New York State Public Service Commission respectfully declines to initiate any investigation into the alleged cooperation of AT&T and Verizon with the National Security Agency.

As you may be aware, there is no provision in New York State's Public Service Law specifically concerning the privacy of customer information. Additionally, the existing rules and regulations of the New York State Department of Public Service do not cover activities such as those alleged to have occurred in the recent media reports. On March 22, 1991, in Case 90-C-0075, the Commission released its Statement of Policy on Privacy in Telecommunications. Although that Statement of Policy guides our decisions with respect to our role in overseeing the telecommunication companies under our jurisdiction, the policy statements contained therein do not have the force of law behind them, and, therefore, do not provide this Commission with any authority with which to pursue this matter.

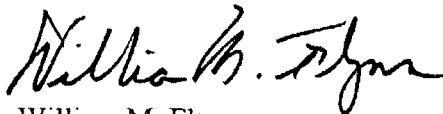
Moreover, in declining to conduct an investigation similar to the one requested in your correspondence, the FCC relied on pleadings submitted by the United States of America in the case of *Hepting v. AT&T*, No. C-06-0672 – VRW (N.D. Cal.). There, the United States asserted

that the "state secrets" privilege applies to any information connected to this matter. The FCC noted that the same privilege would prevent it from ordering the production of classified information or from compelling any parties which they might investigate to respond to their inquiries. Likewise, the Public Service Commission does not have the authority to compel the production of privileged information, nor does it have the jurisdiction required to pass on questions of law surrounding the assertion of such privilege by the United States, Verizon or AT&T. Accordingly, the Public Service Commission is not the correct agency or government entity to conduct the investigation sought in your correspondence.

Finally, even were the Court to decide that the United States is not entitled to the privilege asserted in the *Hepting* case, the Public Service Commission still is not the correct entity to pursue these matters because of their highly sensitive nature and their connection to national security. Therefore, even were such privilege not to apply, the Public Service Commission would still respectfully decline to initiate the investigation you seek.

I thank you again for your correspondence bringing this matter to our attention. Please feel free to contact me in the future if you have any additional concerns as they relate to the New York State Public Service Commission.

Sincerely,



William M. Flynn  
Chairman

cc: Kevin Martin, Chairman, Federal Communications Commission  
Ivan Seidenberg, Chairman & CEO, Verizon  
William Barr, Executive Vice President & General Counsel, Verizon  
Edward Whitacre, Chairman, AT&T  
Randall Stephenson, Chief Operating Officer, AT&T  
Keefe B. Clemons, Associate General Counsel – NY & CT, Verizon