1 2 3 4 5 6 7 8	PILLSBURY WINTHROP SHAW PITTMAN BRUCE A. ERICSON #76342 DAVID L. ANDERSON #149604 JACOB R. SORENSEN #209134 MARC H. AXELBAUM #209855 BRIAN J. WONG #226940 50 Fremont Street Post Office Box 7880 San Francisco, CA 94120-7880 Telephone: (415) 983-1000 Facsimile: (415) 983-1200 Email: bruce.ericson@pillsburylaw.com SIDLEY AUSTIN LLP DAVID W. CARPENTER (admitted pro hac y BRADFORD A. BERENSON (admitted pro hac y	ice)
9	DAVID L. LAWSON (admitted pro hac vice) EDWARD R. McNICHOLAS (admitted pro half 1501 K Street, N.W.	ac vice)
11	Washington, D.C. 20005 Telephone: (202) 736-8010	
12	Facsimile: (202) 736-8711	
13	Attorneys for Defendants AT&T CORP. and AT&T INC.	
14	UNITED STATES D	DISTRICT COURT
15	NORTHERN DISTRIC	T OF CALIFORNIA
16	SAN FRANCISO	CO DIVISION
17		
18	TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN	No. C-06-0672-VRW
19	on Behalf of Themselves and All Others Similarly Situated,	DECLARATION OF JOSEPH P. TOCCO IN SUPPORT OF MOTION
20		OF DEFENDANT AT&T INC. TO DISMISS PLAINTIFFS' AMENDEI
21	Plaintiffs,	COMPLAINT
22	VS.	Date: June 23, 2006
23	AT&T CORP., AT&T INC. and DOES 1-20, inclusive,	Time: 9:30 a.m. Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker
24	Defendants.	Juage. Tion. Vaugini R. Wanter
25		Filed concurrently: 1. AT&T Inc.'s Reply in Support of
26		Motion to Dismiss. 2. Reply Decl. of Starlene Meyerkord
27		3. Request for Judicial Notice.
28		

I. JOSEPH P. TOCCO, declare as follows:

- 2 1. I am Registered In-House Counsel with SBC California, now AT&T
- 3 California, which is the d/b/a of Pacific Bell Telephone Company, an indirect subsidiary of
- 4 AT&T Inc. I make this declaration in support of the motion of defendant AT&T INC. to
- 5 dismiss plaintiffs' Amended Complaint for lack of jurisdiction. The facts stated in this
- 6 declaration are based upon my own personal knowledge, or upon corporate business
- 7 records, or, where so indicated, upon my information and belief. If called as a witness, I
- 8 could and would competently testify.
- 9 2. I have reviewed a copy of Plaintiffs' Opposition to Defendant AT&T Inc.'s
- 10 Motion to Dismiss Amended Complaint and the Declaration of James S. Tyre filed in
- 11 support ("Tyre Declaration").
- 12 3. I am the attorney who verified the Lobbyist Employer Registration
- 13 Statement, Lobbying Firm Activity Authorization, and the two Reports of Lobbyist
- 14 Employer, attached as Exhibits B-E to the Tyre Declaration.
- 15 4. Various subsidiaries and affiliates of AT&T Inc. employ lobbyists in
- 16 California. The subsidiaries and affiliates therefore qualify as "lobbyist employers" within
- 17 the meaning of California Government Code sections 82039.5 and 86105, and are required
- to register under the Political Reform Act of 1974, as amended (Gov't Code § 81000 et
- 19 seq.).

1

- 20 5. The California Fair Political Practices Commission ("FPPC") Lobbying
- 21 Disclosure Information Manual ("Manual") requires that lobbying subsidiaries be identified
- 22 "along with the corporate parent's name." *Id.* at pp. 3-1. Accordingly, when subsidiaries
- 23 and affiliates of AT&T Inc. file disclosure statements required by the FPPC, they are filed
- 24 in the name of "AT&T Inc. and Its Affiliates" to ensure compliance with the Manual. The
- 25 disclosure statements attached as Exhibits B-E to the Tyre Declaration conform to this
- 26 practice.

27

28

1	6. Based upon my knowledge and review of lobbying activities of the	
2	subsidiaries and affiliates of AT&T Inc. in California, I am informed and believe that	
3	AT&T Inc. does not employ lobbyists in California or otherwise contract with any lobbying	
4	firms in the State. Under California law, as currently interpreted by AT&T California and	
5	its predecessor companies, proceedings litigated before the California Public Utilities	
6	Commission ("PUC") are reportable in abbreviated form under the lobbying disclosure	
7	provisions of the Political Reform Act of 1974, as amended, and the regulations	
8	promulgated thereunder by the California Fair Political Practices Commission Govt	
9	Code 86100 et seq, 2 Cal Admin Code 18600 et seq, including the time spent in hearings	
10	and preparing witnesses for hearings. SBC Communications Inc. retained outside counsel	
11	to represent it in 2005 in connection with a PUC application proceeding regarding the	
12	merger between SBC Communications Inc. and AT&T Corp and those fees are reported in	
13	the attachments to the Tyre Declaration. AT&T Inc. does not, however, do any substantive	
14	lobbying in California, such as spending "millions of dollars to influence California	
15	legislators in developing communications policy and passing legislation" as asserted in	
16	Plaintiff's Opposition. Opp. at 2. Indeed, AT&T Inc. does not spend any money on such	
17	lobbying in California.	
18	I declare under penalty of perjury under the laws of the State of California and the	
19	United States that the foregoing is true and correct.	
20	Executed on this 15th day of June, 2006, at Sacrament, California.	
21		
22	Town Trans	
23	Joseph Tocco	
24		
25		
26		
27		
28		