

**Before the DOJ, Federal  
Communications Commission,  
President Barack Obama  
Washington, D.C.**

Applications of Comcast Corporation,	)	MB Docket No. 10-56
General Electric Company and NBC	)	Elan Feldman
Universal, Inc.	)	1050 NW 21 <sup>st</sup> Street
For Consent to Assign Licenses and	)	Miami Fl. 33127
Transfer Control of Licenses		

The petition<sup>1</sup> to vacate the Comcast/NBCU order is a request for Commission action and on their own Motion. (47CRF1.41).<sup>2</sup> The petition submitted even with jury verdict proves Violations of two sections of the “ACT”, Violations of Commission Rules, and a violation of the FCC11-4 order with retaliation. These are facts and filings established after the order approval.

The petition is a request that or regulators abide by the Rule of Law not a reconsideration<sup>3</sup> as Comcast states but allow the FCC to reconsider if they so please. The rule of law requires the Merger be Vacated. *Consent orders may not be negotiated with respect to matters which involve a party's basic statutory qualifications to hold a license*<sup>4</sup>(see 47 U.S.C. 308 and 309). The violation of section 621 and the requirement of personal knowledge on the signature in Comcast Opposition to Petitions (10-56) is undisputable and the required statutory qualifications to the merger.

Contrary to Comcast Opposition to the petition to vacate the merger, our regulators are able to vacate the order if they so desire. The fact is Comcast agreed to the Consent order FCC11-4 and the consent order is still under FCC 11-4 section XX listed under terms, a seven year supervised commitment, were any violation is a violation of the order<sup>5</sup>, and required to report Compliance to the conditions yearly<sup>6</sup>.

**47CFR§ 1.935 (d) (2) Each application, petition to deny, informal objection or other pleading is deemed to be pending before the Commission from the time the petition to deny is filed with the Commission until such time as an order or correspondence of the Commission granting, denying or dismissing it is no longer subject to reconsideration by the Commission<sup>7</sup> or to review by any court<sup>8</sup>.**

<sup>1</sup> The FCC was served as required and stated on the certificate of service. I saw no rule that says the FCC cannot receive additional copies of the petition. The petition was mailed by US mail placed in the mail on October 2, 2016. My certificate of service states to such. An email was sent by me to address problems with the new FCC filing system and obviously corrected. Or could it be a problem with my Comcast internet service? Comcast admits all parties were served and no party was inconvenienced by the additional October 6, filing, or the time for mail to reach the FCC. Obviously Comcast nor the FCC did not need the additional mail days to respond timely.

<sup>2</sup> The Comcast/NBCUniversal Order is final, and the Commission has no power to "vacate" it .There is, accordingly, no reason to respond to Mr. Feldman's factual allegations or various other arguments, which are riddled with errors, misstatements, mischaracterizations, invective, and irrelevancies, and which make no cognizable claims concerning Comcast's compliance with the Communications Act, the Commission's rules, or the Comcast/NBCUniversal Order conditions.

<sup>3</sup> 47CFR 1.108

<sup>4</sup> 47CFR 1.935

<sup>5</sup> FCC 11-4 XVIII. VIOLATIONS

<sup>6</sup> FCC 11-4 XIX. REPORTING REQUIREMENTS

<sup>7</sup> FCC11-4 section XX seven year required supervision

<sup>8</sup> Still under court supervision (CASE: 1:11-cv-00106 U.S. and Plaintiff States v. Comcast Corp., et al.

All thirteen petitions are still pending and Comcast opposition to petitions, to which Comcast themselves placed in the public record, that David Cohen did not have the personal knowledge attested to in making the signature signed to be true and correct, is now false. The Opposition to petitions in the Comcast/NBCU is therefore null and void, 309 (2)(d)<sup>9</sup> of the “ACT” makes all 13 petitions in the FCC 10-56 undisputed and the FCC concise statement of the reasons for denying the petitions are also void as the FCC justified the merger based on Comcast responses.

### **There is a substantial and material question of fact presented**

As Comcast made no defense no examples of their allegations and claims, and the filing was legally made. The FCC as requested should on their own motion as the ‘ACT’ describes (309 (2) (e) a hearing should be ordered and all other petitions previously in the 10-56 be involved in the proceedings still pending, now are undisputed. At least that’s what the “ACT” says.

### **The FCC11-4 Violation of anti-retaliation order is now admitted**

Comcast opposition admits in the opposition that Comcast did file an Offer of Judgment<sup>10</sup>, a “chilling effect “that either gave Comcast the power to stop the adjudication the FCC and Comcast demanded in FCC11-4 to have to be ripe against Comcast and to silence me, or the power to retaliate after I proved they were criminals on private property knowing they were damaging it and refusing to get off. It also gave Comcast the power to stop the appeal of the judge’s rulings that hide Comcast fraud, the damages to the properties (plaintiff’s had no Comcast service at the time).

### **Comcast filing in 14-57 and using the same words in this opposition shows the knowledge of the violation under 47CFR 1.65**

Comcast under 47CFR 1.65<sup>11</sup> was required to file the adverse finding results but never did. Also did not file the 303S forms as required making all incompletely filed licenses void.

### **Factual allegations**

Why, given the opportunity to respond, Comcast does not serve their Opposition to the FCC Commission? Exhibit 1. Comcast states in their Opposition, that the **Factual allegations (Comcast words)** submitted by the Petition to Vacate the Merger, Comcast declaring that our regulators have no power to vacate it and therefore sees no need to defend it. But Comcast

<sup>9</sup> The conditions SEC. 309. [47 U.S.C. 309] ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS ATTACHED TO LICENSES. (this means it goes with the license). The grant is not authorized by law with the information found after the merger approval. Refer to petition.

<sup>11</sup> 47CFR1.65 (a) Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Except as otherwise required by rules applicable to particular types of applications, whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of the application so as to furnish such additional or corrected information as may be appropriate..... (c) All broadcast permittees and licensees must report annually to the Commission **any adverse finding** or adverse final action taken by any court or administrative body that involves conduct bearing on the permittee's or licensee's character qualifications and that would be reportable in connection with an application for renewal as reflected in the renewal form. .... Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is “pending” before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court. Comcast in all filings did not file this within thirty days of the jury verdict a violation of their reporting as agreed by the FCC11-4 Also in 303s files and other filings did not report the adverse adjudication of intentional trespass and that their negligence was the cause of damage.

pulling out the powers of Willkie Farr and Gallagher,<sup>12</sup> and Comcast shining stars Kathryn Zachem<sup>13</sup>, Lynn Charytan<sup>14</sup>, Julie Laine<sup>15</sup> and others. I'm admitting, I'm no genius (truth is, this stems from frustration that Comcast leaves me no personal recovery available and for over a decade of legal fees just so I could prove their guilt, and now having to show our regulators improprieties) and I'm not an attorney. At the minimum this filing shows character issues that would allow our FCC not to renew licenses which at end is the same. Comcast army of attorneys so secure that the FCC has no power to vacate. This lone man, fighting against those odds could find the FCC has Jurisdiction with no legal education does not make sense. The greatest media merger in American history undefended because the FCC has no power to vacate it, or is it Comcast is so secure that the FCC will not take notice of this Petition to Vacate and got lazy. Or maybe it not what you know, it's who you know and the FCC is mad I showed wrongdoings on the part of our regulators in the petition and has already informed Comcast my petition will be ignored and they do not wish to know about it.

### Conclusion

I fight for the public, I'm not allowing Comcast to do to others what they did to us without a fight. A company knowingly willing to engage in intentional harms to the public. Comcast even recently shown to have stolen money from the public with unordered services that cost Comcast almost nothing, and then stonewalling customers to make refunds too difficult to get, or to complain.<sup>16</sup> In my case Comcast spent untold millions (I believe much more than the 2.3 million fine FCC recently charged Comcast for cheating the American public) on making my life miserable. The Commission cannot deny Comcast ability with legal gamesmanship with an army of attorneys clearly outspending this middle class member of society. But there was too much evidence Comcast was on private property unlawfully, refusing to leave and their negligence the cause of damage. But what bothers the most is all the laws, property rights, constitutional rights

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<sup>12</sup> Includes Daniel Alvarez, former legal advisor to FCC chairman Tom Wheeler, **Thomas Jones**, Ranked by *Chambers USA* 2016 as a leader in Telecom, Broadcast & Satellite in D.C.. Co-Chair of the Federal Communications Bar Association's Common Carrier Practice Committee, **Jonathan A. Friedman** Represented Comcast Corporation in FCC rulemakings on cable/broadband device issues and goes on and on.

<sup>13</sup>Kathern Zachem was named among the Most Powerful Women in Cable and is regularly named to The CableFAX Top 100 list by *CableFAX: The Magazine*. She was honored by *Multichannel News* as a 2014 Wonder Woman and by Legal Momentum as a 2012 Aiming High awardee. *Washingtonian* recognized her as one of Washington's best lawyers, and *Chambers USA* listed her as one of the leading lawyers in the telecom, broadcast and satellite fields. Kathy is an active member of the Federal Communications Bar Association, where she has served several terms on its Executive Committee and Foundation Board and is a recipient of the association's Distinguished Service Award.

<sup>14</sup> Lynn Charytan in the 2010 and 2011 editions of *The Best Lawyers in America* in the area of communications law, and ranked for several years running with the highest possible rating in Martindale-Hubbel's *Top Rated Lawyers* list. She has also been widely recognized for her leadership and achievements in the cable industry, having been named one of the "Most Powerful Women in Cable" by *CableFax Magazine* in 2013, 2014, and 2015, and a "Wonder Woman" by *Multichannel News* in 2015.

<sup>15</sup> Julie Laine served as an Attorney Advisor in the Policy Division of the Federal Communications Commission's Common Carrier Bureau, where she worked on issues relating to local telephone competition, the deployment of broadband services, and telecommunications mergers. Prior to joining the FCC,

<sup>16</sup> Note, the October 11, 2016 FCC settlement, It is not a character issue, But it is an undeniable fact. This Comcast entity bringing recorded profits last year 8 billion and punished with a mere 2.3 million for settling the case. By settling cased closed future filings lawsuits under states laws, making states unable to charge them, No character issue, Statute of limitations only 120 days to claims, Comcast to be the judge if a refund is entitled or not. No word was made in the settlement of a refund or accounting how much was truly stolen from the public. Leaving me questioning, whom made the settlement agreement? [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-341621A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-341621A1.pdf)

and even the Order were all ignored by our regulators as Comcast was allowed to harm me. My complaint begging for help was ignored by our DOJ and FCC. Insurance would have paid either the defense or the claim, but Comcast refused to give it so they could go after me. Having received signed releases and assessments of the damage by Comcast assigned assessors could not get payment. This proved to me, it's not a money issue but a premeditated act of Comcast to harm me.

I beg again, our regulators whom have great discretion, use that discretion, make the change President Obama promised this Country a good change. Note: a merger shoved down the throats of the public against the Rules of Law in not in public's purpose. Also: As of yet I do not have the exparte meeting I requested.

I fight because I believe in the wisdom of our president and repeat his words.

***"If the people cannot trust their government to do the job for which it exists –  
to protect them, and to promote their common welfare  
all else is lost."*** Barack Obama

I declare under penalty of perjury that the foregoing is true and correct. That to the best of my knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and order; and that it is not interposed for any improper purpose.

Executed on October 14, 2016  
Feldman 1050 NW 21<sup>st</sup> Street  
Miami, Florida 33127

/s/ \_\_\_\_\_  
Elan Feldman

Please Reply with Communication method  
other than internet, with receipt (Mail, FedEx, UPS)  
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305 545 6680

**WILLKIE FARR & GALLAGHER** LLP

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October 7, 2016

**VIA FEDERAL EXPRESS**

Elan Feldman  
1050 NW 21<sup>st</sup> Street  
Miami, FL 33127

Re: Opposition to Informal Petition, FCC MB Docket No. 10-56

Dear Mr. Feldman:

Enclosed please find a copy of the Opposition of Comcast Corporation filed today with the Federal Communications Commission in MB Docket No. 10-56.

Sincerely,



Melanie A. Medina

**EXHIBIT 1**

**4 pages**

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

In the Matter of )  
 )  
Applications of Comcast Corporation, ) MB Docket No. 10-56  
General Electric Company )  
And NBC Universal, Inc. )  
 )  
For Consent to Assign Licenses and )  
Transfer Control of Licenses )

**OPPOSITION OF COMCAST CORPORATION**

Pursuant to 47 C.F.R. § 1.45, Comcast Corporation (“Comcast”) hereby opposes the “Informal Petition” (“Petition”) filed by Elan Feldman, which appeared in the above-captioned docket on October 6, 2016.<sup>1</sup> The Petition requests that “the Comcast/NBC merger be vacated.”<sup>2</sup> No such relief is available. The transaction by which Comcast acquired a controlling interest in NBCUniversal was approved by the Commission on January 20, 2011,<sup>3</sup> and the time for reconsideration has long since expired.

The Petition rehashes and elaborates upon various grievances that Mr. Feldman raised, back when the Comcast/NBCUniversal transaction was subject to Commission review,

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<sup>1</sup> See Elan Feldman, Informal Petition, MB Docket No. 10-56 (filed Oct. 6, 2016). Mr. Feldman e-mailed the Petition to Comcast executives and Commission officials on Sunday, October 2, but it was first received by the Secretary’s office and posted in the docket on October 6.

<sup>2</sup> Petition at 1.

<sup>3</sup> *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses and Transfer Control of Licenses*, Memorandum Opinion and Order, 26 FCC Rcd. 4238 (2011) (“Comcast/NBCUniversal Order”).

concerning a private dispute and related litigation.<sup>4</sup> The Commission properly determined that these allegations were not cognizable in the transaction review proceeding.<sup>5</sup> Any petitions for reconsideration of the *Comcast/NBCUniversal Order* were required to be filed “within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of.”<sup>6</sup> No such petitions were filed, by Mr. Feldman or by anyone else. Nor did the Commission reconsider the *Comcast/NBCUniversal Order* on its own motion within 30 days.<sup>7</sup> The *Comcast/NBCUniversal Order* is final, and the Commission has no power to “vacate” it.

There is, accordingly, no reason to respond to Mr. Feldman’s factual allegations or various other arguments, which are riddled with errors, misstatements, mischaracterizations, invective, and irrelevancies, and which make no cognizable claims concerning Comcast’s compliance with the Communications Act, the Commission’s rules, or the *Comcast/NBCUniversal Order* conditions. If and to the extent Commission staff believes it needs further information with regard to any particular issues, Comcast stands ready to respond.

Comcast respectfully requests that the Petition be denied.

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<sup>4</sup> See Opposition to Comcast Acquisition of NBC Universal Due to Comcast’s Failure to Serve the Public Interest, Convenience and Necessity of Elan Feldman, MB Docket No. 10-56 (filed Apr. 19, 2010); Petition to Deny Comcast Acquisition of NBC Universal Due to Comcast’s Failure to Serve the Public Interest, Convenience and Necessity of Elan Feldman, MB Docket No. 10-56 (filed Jun. 14, 2010); Reply to Comcast’s Opposition to Feldman’s Petition to Deny Comcast’s Acquisition of NBC Universal of Elan Feldman, MB Docket No. 10-56 (filed Aug. 20, 2010). With respect to Mr. Feldman’s 12-year-old property-damage allegations, Comcast notes that this dispute was adjudicated by a jury in Dade County, Florida. Mr. Feldman was found to be 83 percent at fault for the damage, and Comcast was found to be 15 percent at fault (amounting to an award of just under \$7,500 for Mr. Feldman). See Verdict Form, *Warehouse 1050 Corp. v. Fla. Sol Corp.*, No. 09-36802 CA (11) (Fla. Cir. Ct. Dec. 15, 2014). (Mr. Feldman included the jury verdict form as an exhibit to the Petition but omitted the second page with this allocation of fault. See Petition, Ex. A.) The court ruled in favor of Comcast’s offer of judgment, and the case subsequently settled and was voluntarily dismissed.

<sup>5</sup> See *Comcast/NBCUniversal Order* ¶ 279.

<sup>6</sup> 47 U.S.C. § 405(a); see also 47 C.F.R. § 1.106(f).

<sup>7</sup> 47 C.F.R. § 1.108.

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*Counsel for Comcast Corporation*

Respectfully submitted,

/s/ Kathryn A. Zachem  
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*Comcast NBCUniversal Transaction  
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*Legal Regulatory Affairs*

COMCAST CORPORATION  
300 New Jersey Avenue, N.W., Suite 700  
Washington, DC 20001

October 7, 2016

Certificate of Service email were available or US mail where not available

I, Elan Feldman, do hereby certify that a copy of the foregoing Comcast Informal Petition was served on the following persons by the means set forth below on the 14th day of October, 2016

/s/ \_\_\_\_\_  
Elan Feldman 3055456680

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