

**Before the
Federal Communications
Commission,
Washington, D.C.**

MB Docket No. 17-108

)	
Petition to)	Elan Feldman
Request for FCC to Recuse as)	1050 NW 21 st Street
Decisions Regarding Open)	Miami FL 33127
Internet by the FCC would be tainted)	

The FCC voting in regard to Net-Neutrality.

When Commissioners cannot be fair and impartial they should recuse themselves. The main beneficiaries of the removal of net-neutrality are the broad band providers. Comcast, AT&T is shown to be a major benefactor of its removal. The Commission's decision making should be based on fair and impartial decisions without personal bias or prejudice against a party and not based on friendships.¹ I formally request that the FCC modify its ruling to consider vacating net-neutrality.

Chairman Ajit Pai, so cozy with Comcast that he gave them his personal email.² ajitvpai@gmail.com. Are Judges giving their personal email or phone number to rich defendants an accepted norm? This was used even during the Comcast/Time Warner merger 14-57. Does this use of personal emails addresses for FCC business make Ajit Pai's emails public record?

I now questioning if previously Commissioner Baker gave her personal email to Comcast. Shortly after approving the Comcast/NBC merger, Commissioner Baker abruptly resigned her post and is now working for Comcast. Without being overly dramatic, we, the law-abiding public now to envision a future where zoning commissioners are hired by contractors after zoning approval and judges are hired by defendants after welcome dismissals?

¹ Petitioner is a user of broadband and therefore a party of interest. Section 402 is the

² <https://www.muckrock.com/news/archives/2014/jul/01/comcast-executives-share-cozy-relationships-regula/>

Chairman Pai's statement implying no violations of net-neutrality, "or to implying hypothetical harms and hysterical prophecies of doom³." Given Comcast history of throttling users, (blocking)and then as previously submitted by petition, Comcast's, lying about it to both the FCC ⁴and to the Senate Judiciary⁵ with no consequences shows the need of rule ,law and consequences to broadband providers.

Our FCC is hiding and ignoring violations, Ignoring FOIA requests, hiding complaints petitions, protecting licensees instead of investigating violations and enforcing law. The FCC is allowing licensees to ignore and violate law. This heightens the need of law to protect the public. It would be wrong for our FCC to change law if they do not follow and selectively enforce law themselves.

Selective Enforcement

The FCC is hiding complaints and being sued for FOIA violation of the of net-neutrality complaints, refusing to release⁶ approx. 40,000 violations. In my case the FCC has engaged in selective enforcement, ignored petitions that show violations of Comcast's still ongoing NBCU 10-56 merger⁷. Petitions requesting the FCC to enforce law,⁸ requirements of a hearing are sitting on desks. Comcast violations were submitted showing

A. Violations in the FCC11-4 approval order showing retaliation⁹,

³ https://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0427/DOC-344590A1.pdf

⁴ The Commission found that Comcast was less than forthcoming about its network management practices and that only after independent evidence emerged that Comcast was not being truthful did the corporation admit to its true methods of traffic management related to P2P programs". April 29 2013 R40234 CRS report for Congress.

⁵ FCC11-4 paragraph 280 . Mr. Feldman also alludes to the matter, maintaining that Comcast Executive Vice President David Cohen "lied" to the U.S. Senate when, in Testimony, he stated that "we have never blocked our customers' access to lawful content." FCC11-4 paragraph 279

⁶ <https://arstechnica.com/tech-policy/2017/07/fcc-refuses-to-release-text-of-more-than-40000-net-neutrality-complaints/>

⁷ 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 consideration by the Commission or to review by any court. FCC11-4 Section XX seven year required conditions, and still under court review (CASE: 1:11-cv-00106 U.S. and Plaintiff States v. Comcast Corp., et al.) also look at DA 12-1958 Comcast/NBCU Order Benchmark Condition

⁸ <https://ecfsapi.fcc.gov/file/1050696276267/Petiition%20for%20Comcast%20hearing.pdf>

⁹ Neither Comcast nor C-NBCU shall: d. retaliate against any Person for (i) exercising (or attempting to exercise) any rights under this Order (regardless of whether those rights pertain to online issues), (ii) participating in the proceeding resulting in this Order, FCC11-4 pg126 Section G (under the order, to have the ability to petition a 1st amendment right, adjudication was required by Comcast and the FCC (FCC11-4 paragraphs 278, 279). Having adjudication and proving Comcast guilt was used to harm me, (Comcast extorted this petitioner to dropping the appeal of the Judges decisions to hide Comcast fraud

- B. 3 violations of the communications act ,
- C. Proof of Comcast violation of the ACT and law showing the Comcast/NBC 10-56 was fraudulently gotten. A petition submitted to vacate the Comcast/NBC merger is ignored.¹⁰
- D. Jury proven **intentional** violations on the part of Comcast regarding Private Property Rights are ignored. Character violation issues, a requirement of a licensee are sitting on desks at the FCC collecting dust.
- E. An affidavit signed by David Cohen VP of Comcast admitting that he did not have the personal knowledge he attested to . The law required personal knowledge¹¹ to respond in the NBCU merger (Comcast Opposition to Petitions). This requirement of personal knowledge is law. This makes the Comcast/NBCU 10-56 merger fraudulently gotten¹². All Petitions filed are therefore undisputed. Yet our FCC ignores these petitions¹³ requiring a hearing as to a question of fact. David Cohen Comcast VP signed under penalty of perjury in the Opposition to Petitions in the Comcast/NBC 10-56. He then signed an affidavit showing it was not true. All petitions in this still ongoing merger are undisputed as Comcast opposition to petitions signature has been retracted.¹⁰
- F. In Comcast/Time Warner FCC14-57 our FCC was given a choice of three things. The FCC ignored the law and did not do a hearing, The FCC given 3 choices in a merger, instead created a fourth choice and entered an order (FCC DA15-511) allowing Comcast to back out of the merger without answering embarrassing questions of their violations. Comcast required that ***The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant***

and damages from the Jury) given a choice of two harms this petitioner was forced to pay Comcast for adjudicating and proving Comcast intentionally trespassed.)

¹⁰ <https://ecfsapi.fcc.gov/file/10062712030846/Petition%20to%20vacate%20ComcastNBCU%20FCC11-4%20order.pdf>

¹¹ 47CFR 1.939 (f) *Oppositions and replies*. The applicant and any other interested party may file an opposition to any petition to deny and the petitioner may file a reply thereto in which allegations of fact or denials thereof, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof.

¹² 47 USC303(m)(1)(F) authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee--has obtained an operator's license by fraudulent means

¹³ <https://ecfsapi.fcc.gov/file/1050696276267/Petition%20for%20Comcast%20hearing.pdf>,
<https://ecfsapi.fcc.gov/file/1050696276267/EXHIBITS%26%20CertificateService.pdf>

“ACT 309(2)(e). FCC11-4 “**If we are unable to find that the proposed transaction serves the public interest for any reason, or if the record presents a substantial and material question of fact, we must designate the Application for hearing.** Nowhere could I find law give the FCC the 4th choice. The FCC repeats this requirement of the Communications Act 309(2) (e), over and over. FCC11-4 paragraph 22, paragraph 251, footnote 663, The ACT 309(2) (e). DA 14-1055, FCC-08-178A,1, FCC 15-94, FCC08-181. DA 17-21, FCC08-178 exc. exc...

AT&T /Time Warner merger

Time Warner and AT&T wishes to merge (to combine two things into one). Time Warner is going to receive licenses from AT&T and vice -versa when they merge.¹⁴ Our laws require the public purpose mandate in the transference of licenses. (Mergers and Acquisitions)¹⁵ Before a company may assign an FCC license to another company or acquire a company holding an FCC license, it must receive Commission reviews applications and public input for the transfer of control and assignment of licenses and authorizations to ensure that the public interest would be served by approving the applications. Our FCC sits closed mouth, ignoring the public interest requirement in the merger. Without the public interest approval the merger would be illegal gotten. But that does not seem to bother our Commission.

Comcast/AT&T

In 2002 Comcast and AT&T broadband merged, becoming Comcast/AT&T Corp. Just after the merger AT&T/ Comcast changed their name to Comcast Corp with AT&T owning 56% of the stock and 66%¹⁶ of the voting rights. Yet, a substantial change in this majority control of “*the largest most powerful media company of the world*”, I cannot find it in the internet or FCC files. When did this merger, demerge? “Why were there no public notice and or public approval¹⁷ of a transfer of majority control from AT&T. If there was no change in control, is Comcast a division of AT&T and how did this happen? MB Docket 02-70

¹⁴ FCC helps AT&T and Time Warner avoid lengthy merger review. <https://arstechnica.com/tech-policy/2017/04/atttime-warner-merger-is-one-step-closer-to-government-approval/>

¹⁵ <https://www.fcc.gov/proceedings-actions/mergers-and-acquisitions>, 47CFR 63.24 (c) Assignments and Transfer of Control.

¹⁶ The new company, to be called AT&T Comcast Corporation, will be one of the leading and most powerful communications, media and entertainment companies in the world. AT&T shareowners will own a 56 percent economic stake and about a 66 percent voting interest in the new company. The Roberts family, which owns Comcast Class B shares, will control one third of the new company's outstanding voting interest. <http://corporate.comcast.com/news-information/news-feed/att-broadband-to-merge-with-comcast-corporation-in-72-billion-transaction>

¹⁷ 47 CFR 63.24 - Assignments and transfers of control (c) the transfer of **control** of any entity holding such authorization, to another party, whether voluntarily or involuntarily, directly or indirectly, only upon application to and

President Trump stated, The Media is corrupt and the System is rigged. I agree and will beg him to say the words that made him great. "You're fired".

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 and served via FCC filing system

on August 30, 2017

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/s/_____

Elan Feldman

prior approval by the Commission. (c)... A change from less than 50 percent ownership to 50 percent or more ownership shall always be considered a transfer of **control**. (AT&T had 66%).