



Federal Communications Commission
Washington, D.C. 20554

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February 14, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Andrew Jay Schwartzman
President and CEO
Media Access Project
1707 L Street, N. W., Suite 400
Washington, DC 20036

Re: Public Forum on the Application for Consent to
Transfer Control of Licenses from MediaOne
Group, Inc. to AT&T Corp., CS Docket No. 99-251

Dear Mr. Schwartzman:

On behalf of the Cable Services Bureau and Chairman Kennard, I want to thank you for participating in the Bureau's Public Forum on February 4. As always, your testimony on behalf of consumers brought a valuable perspective to our proceedings and to the public's understanding of the matters before us.

You raised several issues at the Public Forum, some directly related to the subject matter of the merger, and others related to different matters. I did not believe it was appropriate to comment on the non-merger specific issues during the Public Forum, but I recognize the totality of your concerns, and I would like to address them now.

First, you state that the Bureau has not acted on the complaint contained in your October 7, 1999 letter which alleges violations by AT&T of the horizontal ownership reporting requirements. You also state that the complaint should be transferred to the Enforcement Bureau. Staff has carefully reviewed the allegations set forth in your letter. Based upon that review, your complaint has been incorporated into the record in the AT&T/MediaOne merger proceeding, and it will be addressed either before, or as a part of any final action on, the merger request. Given that the complaint goes directly to the issues raised by the merger, it is more appropriately handled by the Cable Services Bureau, rather than the Enforcement Bureau, as part of our Bureau's review.

Second, you recommended that the Commission should seek comment on the impact of the proposed merger of AOL and Time Warner on the AT&T-MediaOne merger. At the time of the Public Forum, there was no such record before us. However, on Friday, February 11, AOL-Time Warner filed for merger review, and we will be assessing the cumulative impact of the two mergers.

Third, you stated that AT&T's proposal to waive the horizontal ownership and attribution rules was "devious", and you questioned the Bureau's treatment of that proposal. In response to the AT&T proposal, Consumers Union, *et al.*, SBC Communications, Inc., and

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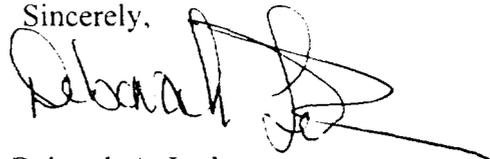
US West, Inc. requested a new pleading cycle to respond to the waiver proposal. Since the public did not have an opportunity to comment on the AT&T proposal, the Cable Services Bureau agreed to establish an extended comment period in which interested persons could respond to the AT&T request. That period permitted replies through January 27, 2000.

Fourth, you have raised questions about the Bureau's "neutrality" and specifically have stated that all comments are not entered directly on the Commission's web page. In fact, the Bureau established the merger web page to promote the availability of information and to simplify public access to the AT&T/MediaOne merger record. It serves those purposes well. Our resources do not permit every document to be placed on that page. For example, the application itself is not on the web page. Instead, it is accessible through the Commission's Electronic Comment Filing System (ECFS) where the entire record is available. There is a link between the merger page and the ECFS that has been in existence since the page was created. We have endeavored to provide public access to all of the major pleadings by posting them on the merger web page. But the entire record is readily available to the public via ECFS.

Finally, you questioned our designation of the AT&T/MediaOne proceeding as "permit-but-disclose." When you raised this issue earlier, we responded by letter on November 24, 1999, that the designation of proceedings such as the AT&T/MediaOne proceeding as "permit-but-disclose" is intended to make our process as open and transparent as possible, while also allowing parties and Commission staff to operate efficiently. The permit-but-disclose process allows individual parties to make presentations to staff as long as the substance of those presentations is described in a written submission, which then becomes a part of the record. These filings are accessible to all interested parties through the Commission's public reference room and on the Internet through ECFS. The permit-but-disclose procedures in this proceeding are identical to the procedures used in other Commission proceedings, including other merger reviews. We believe these procedures are fair and efficient and they ensure easy access to the record for all interested parties.

We appreciate your ongoing participation in this proceeding, and as you know, my door, and that of the Bureau staff, is always open to you and to any other interested party to discuss these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A. Lathen", with a long horizontal flourish extending to the right.

Deborah A. Lathen
Chief
Cable Services Bureau