

May 5, 2000

Magalie Roman-Salas  
Secretary, Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554



RE: *Notice of Ex Parte Presentation*  
*CS Docket 99-251*

*AT&T/Media One Acquisition*

Dear Ms. Roman-Salas:

This letter memorializes a May 4, 2000 telephone conversation relating to CS Docket 99-251 between Andrew Jay Schwartzman of Media Access Project and Chairman William E. Kennard.

Mr. Schwartzman argued that if the Commission were disposed to grant AT&T's application to acquire MediaOne, it should in no event grant a waiver to AT&T providing for more than six months to come into compliance with the Commission's horizontal ownership rules. This would finally fulfill the statutory mandate to limit cable ownership, and establish a policy that would not invite additional efforts to exceed regulatory limits. He noted that the Commission has repeatedly informed the Court of Appeals that six months' time is adequate to achieve compliance and that there is nothing in the record of this case to support a waiver of greater duration. He stated that there are disquieting indications that AT&T has presented arguments in support of its waiver request which are not disclosed in its *ex parte* notice filings, but that it is impossible to address such arguments without knowing what has been said. He mentioned that his clients (CU, *et al.*) have requested a ruling from the General Counsel as to whether material from undisclosed *ex parte* presentations can be relied upon in any Commission action.

Mr. Schwartzman noted that a one-year waiver would undermine the Commission's stated goal of enhancing telephony and broadband rollouts because it would give AT&T less

reason to negotiate with Time Warner to reach an agreement for access to each others' cable plant.

Sincerely,

Andrew Jay Schwartzman

cc. Chairman Kennard