

November 5, 2002



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
TW-A325  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of *Ex parte* Presentation  
MB Docket No. 02-70

Dear Ms. Dortch:

On November 4, 2002, Andrew Jay Schwartzman, counsel to Petitioners CFA, *et al.*, had three telephone conversations with Alexis Johns, Legal Advisor to Commissioner Copps pertaining to the proposed Comcast/AT&T merger. Commissioner Copps' Senior Legal Advisor, Jordan Goldstein, participated for portions of the latter two of these conversations. In addition, Mr. Schwartzman had a separate conversation with Paul Margie, another Legal Advisor to Commissioner Copps.

In these conversations, Mr. Schwartzman largely repeated arguments previously made with respect to his clients' pending motion asking that the Commission require Comcast and AT&T to file the High Speed Data Agreement ("HSDA"), Attachment D to the so-called TWE Restructuring Agreement. The principal focus of the discussions was Mr. Schwartzman's contention that if, as AT&T has implied in its most recent filings, Commission staff were to review the HSDA for any purpose, it would have become part of the record of the case and must, as a matter of law be submitted to the Commission. Mr. Schwartzman pointed out that litigating such a decision could involve difficult discovery issues for the Commission staff.

Respectfully submitted,

Andrew Jay Schwartzman  
Counsel to Petitioners

cc. Alexis Johns  
Jordan Goldstein