

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Applications for Consent to the)	
Transfer of Control of Licenses)	MB Docket No. 02-70
)	
From)	
)	
Comcast Corporation and AT&T Corp.,)	
Transferors,)	
)	
To)	
)	
AT&T Comcast Corporation,)	
Transferee)	

NOTICE OF EX PARTE PRESENTATION

TO: SECRETARY, FEDERAL COMMUNICATIONS COMMISSION
DATE: November 5, 2002

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. Section 1.1206, the undersigned submits this notice of *ex parte* presentation, with reference to MB Docket No. 02-70 ["In the Matter of Applications for Consent to the Transfer of Control of Licenses From Comcast Corporation and AT&T Corp., Transferors, To AT&T Comcast Corporation, Transferee"]

On Monday, November 4, 2002, in connection with the filing of the *Ex Parte Petition of James J. Clancy To Deny Applications and Revoke Licenses*, dated November 3, 2002 and received by the Federal Communications Commission on November 4, 2002, I discussed matters relating to filing procedures with a number of FCC personnel, and in particular, specifically discussed the procedural problems encountered in filing the *Ex Parte Petition of James J. Clancy*. Many of the problems related to difficulties imposed by new security requirements and the presentation of filings hand-delivered by contract delivery services. I expressed concern that the substantive issues presented in the *Ex Parte Petition of James J. Clancy* were serious and merited careful examination and deliberation by Commission decision-makers before any decision was taken on the Applications in MB Docket No. 02-70. As a result of these conversations, in addition to the hand-delivered filing [which included lodged evidentiary exhibits], I was advised and did attempt to file an electronic copy of said Petition [minus the lodged evidentiary

exhibits, which are not in electronic format], using the Commission's electronic filing system.

As a result on my procedural inquiries, I received a telephone call from a person who identified herself as Margo Davenport, an attorney with the FCC Media Bureau. We discussed some of the procedural problems that had been encountered with the filing of the above-referred matter, and the difficulty of sending evidentiary exhibits to the Commission. I reiterated my concern that the matters presented by the Ex Parte Petition should be examined and determined by Commission decision-makers before any decision is taken on the Applications filed in the AT&T/ Comcast matter. Davenport asked me to describe briefly the substance of the Petition. I explained that the Petition asserted: that AT&T lacked the basic character qualifications required of all FCC Licensees, by reason of their past and present conduct in transmitting specifically identified obscene matter as a regular and continuing course of conduct; that the basic character qualifications required of all FCC Licensees had been placed into issue by the AT&T Applications; that under federal law, the transmission of obscenity over cable TV is not in the public interest; and that AT&T's conduct demonstrates it lacks the requisite FCC License holder character qualifications.

Davenport asked me to name the specific programming that formed the subject matter of the complaint (*e.g.* whether it was HBO, Playboy, etc.). I told her the programming involved AT&T's transmission of "The Hot Network."

Pursuant to Section 1.1206 of the Commission's Rules, the undersigned is filing one electronic original of this Notice with the Commission Secretary, using the Commissions' electronic filing service at < ecfs@fcc.gov >. In addition, an original and two copies are being sent using United States Mail, addressed to Secretary, Federal Communications Commission, 445 12th St., S.W., Washington, D.C. 20554, and a copy is being sent to Margo Davenport, Media Bureau, 445 12th St., S.W., Washington, D.C. 20554. One copy of this Notice is being served by first-class United States mail, postage prepaid, upon the following:

AT&T Corp., a New York Corporation
c/o C.T. Corporation System
818 West Seventh St.
Los Angeles, CA. 90017

Respectfully submitted:

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