

**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)

DECLARATION OF JAMES J. CLANCY IN SUPPORT OF PETITION FOR RECONSIDERATION

The undersigned submits this *Declaration of James J. Clancy in Support of Petition for Reconsideration*, 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"] (hereinafter "the Proceeding")

I, **James J. Clancy**, hereby declare:

1. On October 11, 2002, I read a Newspaper article of the *New York Times* indicating that the F.C.C. was about to approve the merger by Comcast of A.T.&T. With my knowledge of the below described facts, I said to myself, "a fix is on". I immediately drafted a letter, dated October 17, 2002 to three of the officials mentioned in the news article: John Ashcroft, Charles A. James, and Andrew Beach. See my letter of October 17, 2002 at **Exhibit 1** to this Declaration.

2. On that day, I first realized that my 2 years of communication with U.S. Attorney General Ashcroft was not going to be pursued at this stage on the issue of obscenity. I searched my files for all of the letters that I had sent to Attorney General Ashcroft. It was my contention that under the "Memorandum of Agreement", the facts in the letters which were sent to Ashcroft would also be given to the F.C.C. These letters are set forth at **Exhibit 1** to this Declaration, and are incorporated herein by reference, as though set forth in full.

3. For the same reason, the action that I had filed in the California Court possessed additional evidence against the transfer of the licence. I include a copy of that document at **Exhibit 2** to this Declaration. Those documents are already on file as a part of the record, and are incorporated herein by reference as though set forth in full.

4. My letter of October 17th was sent by **Express Mail** to each of those three persons above mentioned. I am enclosing a copy of the Postal Form which shows that on October 17th the packages were mailed, and on October 21, 2002 the three packages were delivered and received for, see copy at **Exhibit 1** to this Declaration.

5. I waited for a few days and received no response. I then came to believe that “a fix was on” and nothing further would be done, and started my own pleading in these proceedings as an affected party and as a “Private” Attorney General. My filings in connection with this proceeding are referred to in the ***Declaration of Carol A. Clancy in Support of James J. Clancy's Motion For Reconsideration***, and copies of those filings are attached hereto as **Exhibit 1** to this Declaration.

6. The ***Declaration of Carol A. Clancy in Support of James J. Clancy's Motion For Reconsideration*** in this matter is all-important. It explains this Declarant’s reaction to what followed. A copy of that Declaration is incorporated by reference and pleaded by incorporation at **Exhibit 1** to this Declaration.

I swear under penalty of perjury that the foregoing is true and correct, according to my best knowledge and belief.

Dated: December 13, 2002

James J. Clancy, Declarant
9055 La Tuna Canyon Road
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(818) 352-2069

Enclosures:

Exhibit 1 Bound volume of letters, the main letter dated October 17, 2002, to U.S. Attorney General John Ashcroft; his scheduler Andrew Beach; and Assistant U.S. Attorney General Charles A. James, and copies of my correspondence letters dated February 9, 2001, March 29, 2001, May 20, 2002, and July 16, 2002 to U.S. Attorney General John Ashcroft, informing the Attorney General that **A.T.&T.** has broadcast hardcore ***per se*** pornographic videotapes for 24 hours of each day, from October, 2000 through October 11, 2002 on Cable Channels 96, 457, and 459.

U.S. Postmaster’s receipt, indicating that the letter was posted on October 17, 2002, and received for on October 21, 2002.

A copy of the ***Declaration of Carol A. Clancy in Support of James J. Clancy's Motion For Reconsideration***, together with copies of the papers filed by Petitioner with the F.C.C. in support of the denial of the application for transfer of F.C.C. licenses in **MB 02-70**.

Exhibit 2 A copy of my lawsuit in the Van Nuys Superior Court, entitled **Clancy v. A.T.&T., et al.**, filed October 4, 2002.

CERTIFICATE OF SERVICE

1. This document is being electronically filed without **Exhibit 1**, which is presently on file.

2. Also, pursuant to the Commission's Rules, an original and four copies of this Declaration are being sent, with **Exhibit 1** attached (which is already on file), bound with four (4) copies of this Declaration, using the U.S. Mail (**Express Mail**), addressed to Secretary, Federal Communications Commission, 445 12TH Street, S.W., Washington, D.C. 20554

Dated: December 13, 2002

James J. Clancy, Declarant
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