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December 13, 2002

Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

RE: *Petition of James J. Clancy for Reconsideration* in MB Docket No. 02-70 of *Order, Applications for Consent to the Transfer of Control of Licenses from Comcast Corporation and AT&T Corp., Transferors, to AT&T Comcast Corporation, Transferee*, dated November 13, 2002 and released November 14, 2002, with reference to "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 "this Proceeding").

Dear Secretary:

As explained in the documents referenced below, the following evidentiary exhibits, filed with the Federal Communications Commission (hereinafter "FCC") on November 4, 2002 in the above-referenced Proceeding, have either been damaged by the FCC, or have been "misplaced" by the FCC:

(1) Part I of the DVD disc copy, containing the first part of the obscene film "More Than A Handful 9" which is representative of AT&T's entire "In Demand, Pay Per View, Adult's Only" programming;

(2) Part II of the DVD disc copy, containing the last part of the obscene film "More Than A Handful 9" together with obscene pandering Previews shown Before and Previews shown After said film, which collectively are representative of AT&T's entire "In Demand, Pay Per View, Adult's Only" programming, and which demonstrate that AT&T's violations of federal law, as complained of herein, are intentional and willful; and

(3) Exhibit A in Support of the Ex Parte Petition of James J. Clancy, consisting of a partial list of AT&T Cable transmissions of obscene programming, showing the date and channel of specifically named obscene movies as transmitted by AT&T's cable TV operation.

See the *Ex Parte* Petition of James J. Clancy at 4, the Declaration of Carol A. Clancy in Support of James J. Clancy's Petition for Reconsideration at 6, and Petition of James J. Clancy for

Letter to Secretary, FCC  
December 13, 2002  
Page 2 of 2

Reconsideration at 7 and 20, all on file herein.

A true and correct duplicate copy of each of these "damaged" or "lost" evidentiary exhibits is hereby being transmitted to you in this package, with the request that the FCC correct the record in this Proceeding, for the reasons stated in the above-referenced documents, and in the interests of justice and in the public interest, and that these substitute duplicate copies be received in lieu of the originals, and deemed *nunc pro tunc* "filed" as of November 4, 2002, pursuant to the power of the Federal Communications Commission to correct Agency error. See 47 C.F.R. Section 1.7.

Sincerely,

James J. Clancy, Petitioner

encl.  
JJC/cac

[Enclosures: DVD, Pt. I; DVD, Pt. II; Exhibit A List of Obscene Cable TV Transmissions]