

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON D C 20554

RECEIVED

DEC 16 2002

In re Applications of

DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMCAST CORPORATION
and subsidiaries

)

)

)

and

)

)

AT&T COMCAST CORPORATION

)

)

For Transfer of Control

)

)

AT&T CORP.

)

)

and subsidiaries

)

and

AT&T COMCAST CORPORATION

)

)

For Transfer of Control

)

TO: The Commission

PETITION FOR RECONSIDERATION

Dennis J. Kelly

LAW OFFICE OF DENNIS J. KELLY

Post Office Box 41177

Washington, DC 20018

Telephone: 202-293-2300

E-mail: dkellyfcclawl@comcast.net

Counsel for:

LISA BURTON, CARMEN (ROBINSON)
GONZALEZ, BETTY MAINA, TRACEY
MASSAY, OSMISA PEACOCK, KIZZIE
SANDERS, ANTHONY SCOTT, DEBORAH
MARIA SHEPHERD, MARIA SMITH,
GLORIA MARIE MITCHELL TAYLOR,
ZELDA TEPPER AND PATRICK YOUNG

No. of Copies Recd. 2410
LSH/ALH

SUMMARY

The *Commission* never seriously considered the extensive and documented claims of twelve citizens of Marietta, Georgia (eleven African-American, one Hispanic-American) who suffered racial discrimination and unfair trade practices at the hands of AT&T Corp.'s broadband division. Herein, those citizens seek reconsideration of the Commission's November 14, 2002 "Memorandum Opinion and Order", FCC 02-310, granting its consent to the merger of AT&T Corp's broadband division with Comcast Corporation.

Once again, the Commission has by its own actions proven that there are two codes of justice—one for large corporations like AT&T and Comcast, and another for ordinary citizens and small businesses. Petitioners herein call upon the Commission to do the right thing and to vacate FCC 02-310, and to hold a hearing on the AT&T-Comcast merger on appropriate issues.

TABLE OF CONTENTS

I.	Preliminary Statement	2
II.	Reconsideration Is Warranted	4
	A. Overview	4
	B. Argument	5
	C. Remedy Sought	11
III.	Conclusion	13

BEFORE THE
Federal Communications Commission
WASHINGTON, D C 20554

In re Applications of)
)
COMCAST CORPORATION)
and subsidiaries) MB DOCKET NO. 02-70

and)

AT&T COMCAST CORPORATION)

For Transfer of Control)

AT&T CORP.)
and subsidiaries)
)
and)
)
AT&T COMCAST CORPORATION)
)
For Transfer of Control)

TO: Chief, Media Bureau

PETITION FOR RECONSIDERATION

Lisa Burton, Carmen (Robinson) Gonzalez, Betty Maina, Tracey Massay, Osmisa Peacock, Kizzie Sanders, Anthony Scott, Deborah Maria Shepherd, Maria Smith, Gloria Marie Mitchell Taylor, Zelda Tepper and Patrick Young, all citizens of the State of Georgia (collectively referred to as "Marietta Petitioners"), by their attorneys, and pursuant to Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. §405, and Section 1.106 of the

Commission's Rules, hereby respectfully submit their "Petition for Reconsideration" with respect to the **Memorandum Opinion and Order** in the above-entitled matter, FCC 02-310, released November 14, 2002, which by a 3-1 vote granted FCC consent to the merger of the broadband division of AT&T Corp. (AT&T) and Comcast Corporation (Comcast). Inasmuch as the Commission totally ignored Marietta Petitioners' *prima facie* case that AT&T committed acts of racial discrimination and unfair trade practices, the Marietta Petitioners renew their petition that the Commission dismiss, deny or designate for hearing all said applications. In support whereof, the following is shown:

I. Preliminary Statement

1. Section 405(a) of the Communications Act and Section 1.106(f) require that a "Petition for Reconsideration" "shall be filed within 30 days of the date of public notice of the final Commission action". The date of public notice of the "Memorandum Opinion and Order", FCC 02-310, was its release date, November 14, 2002. As the 30th day subsequent to November 14, 2002 was Saturday, December 14, 2002, the due date then becomes the first business day thereafter, or Monday, December 16, 2002. See 47 CFR §1.4 (e). Therefore, this pleading is timely filed.

2. The following is the entire treatment by the FCC of the Marietta Petitioners' substantial filing (and the opposition by AT&T and Corncast):

209. Aside from customer service issues, other parties question whether Applicants are fit to hold a government license. . . . In addition, a citizen's coalition from Marietta, Georgia (Marietta Coalition) asserts that AT&T filed unsubstantiated criminal reports resulting in the arrest of several low-income minority citizens of Marietta, Georgia for cable theft. Because AT&T failed to investigate whether the affected parties were lawfully receiving cable before filing such reports, and because AT&T allegedly targeted these consumers based on their race and income, Marietta Coalition argues that AT&T does not meet the Commission's character qualifications. . . .

* * * * *

211. Applicants assert that many of the commenters' criticisms are groundless and beyond the scope of the Commission's merger analysis. . . . Applicants argue that allegations of malicious prosecution should have no bearing upon the merger proceeding. Since Marietta Coalition cannot substantiate the claim, Applicants argue that it cannot form any legitimate basis for the Commission to deny the merger based on character qualifications.

212. *Discussion.* The parties raising issues of character and legal non-compliance have failed to convince us that we should deny the merger based on the allegations. As for Marietta Coalition and Blawnox's claims, the record evidence does not persuade us that Applicants have actually violated any Federal, state or local law. Specifically, the parties do not raise material questions of fact regarding whether AT&T, or Comcast for that matter, has engaged in any conduct unbecoming a Commission licensee. Further, it appears that the complaining parties appropriately have resorted to other fora to resolve their disputes with Applicants. The arguments presented, therefore, do not form any legitimate basis for the Commission to deny the merger based on character qualification. . . [footnotes omitted].

11. Reconsideration Is Warranted

A. Overview

3. A reading of FCC 02-310 reveals that the three-member Commission majority was so determined to ram through consent to the AT&T-Comcast merger that they never even considered holding a hearing in the matter. It is noteworthy that the Commission referred to Marietta Petitioners as the "Marietta Coalition" (bringing to mind an impromptu street protest), rather than as twelve individuals against each of whom AT&T committed racial discrimination and unfair trade practices. It is also noteworthy that the Commission referred to their legal commission as "Comments" (FCC 02-310 at 81, n. 637), not as a "Petition to Deny". Thus, it would appear that the three-member majority and their staffs failed to accord the Marietta Petitioners the administrative due process to which each of them is entitled pursuant to Section 309 of the Communications Act and pursuant to the Administrative Procedure Act (5 U.S.C. §551 et seq.).

4. These matters take on a heightened importance as a result of *the* imbroglio created by Senator Lott's recent impolitic remarks. African-American and Hispanic-American citizens whose rights to life, liberty and property were

violated by AT&T and its willing accomplices in local government apparently have nobody to hear their legitimate grievances among the majority of this Commission, whose members are of the same political party as Senator Lott.

5. Therefore, Marietta Petitioners implore the three-member majority to take a fresh look at the matters raised in their formal "Petition to Deny", and to respond to the precise legal arguments made **by** Marietta Petitioners—legal arguments which the three-member majority utterly ignored or side-stepped

B. Legal Argument

6. The Commission was created by Congress, *inter alia*, for the following purposes (47 U.S.C. §151):

For the purpose of regulating interstate and foreign commerce in communication **by** wire and radio so as to make available, so far as possible, to all the people of the United States, **without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges...** [emphasis supplied]

7. Pursuant to 47 U.S.C. §310(d), the Commission is required, as a regular part of its public interest analysis, to determine whether the transferees are qualified to hold Commission licenses and whether grant of the application would result in the violation of any Commission rules. With respect to the transferors, their qualifications are re-evaluated in the event that (1)

issues related to their basic qualifications have been designated for hearing by the Commission or (2) issues have been sufficiently raised in petitions to warrant the designation of a hearing. *Voicestream Wireless Corporation or Omnipoint Corporation*, 15 FCC Rcd 3341, 3347, ¶13, n. 38 (2000), citing *Mobilemedia Corporation*, 14 FCC Rcd 8017, 8018, ¶4 (1999) (citing in turn *Jefferson Radio Co. v. FCC*, 340 F.2d 781, 783 (D. C. Cir. 1964); see also Stephen F. Sewell, "Assignments and Transfers of Control of FCC Authorizations Under Section 310(d) of the Communications Act of 1934," 43 Fed. Comm. L.J. 277, 339-40 (1991).

8. It is clear that the Commission must make a statutory finding that an applicant before it possesses the requisite "character qualifications" to *be a* licensee. 47 U.S.C. §308(b). In broadcast and broadcast-related cases (47 U.S.C. §309), the FCC has stated that its character analysis would focus on "misconduct which violates the Communications Act or a Commission rule or policy, and ... certain specified non-FCC misconduct which demonstrate[s] the proclivity of an applicant to deal truthfully with the Commission and to comply with [its] *rules* and policies." *Statement of Character Qualifications in Broadcast Licensing*, 102 FCC 2d 1179, 1190-91 (1986). In addition to serious violations of the Communications Act and/or the

rules and regulations of the FCC, the Commission indicated that it would also consider non-broadcast misconduct in cases involving: fraudulent representations to government agencies, criminal false statements or dishonesty, and broadcast-related violations of antitrust laws or other laws concerning competition. *Id.*, 102 FCC 2d at 1195-1203.

9. It is well settled that a Commission licensee who engages in racially discriminatory conduct is inimical to the public interest and *prima facie* lacks the basic character qualifications to be a Commission licensee. *Catoctin Broadcasting Corp. of New York*, 2 FCC Rcd 2126 (Rev. Bd. 1987); *Black Broadcasting Coalition of Richmond v. FCC*, 556 F.2d 59 (D. C. Cir. 1977). Indeed, the United States Court of Appeals for the District of Columbia Circuit has plainly stated:

The FCC's concerns, however, cannot be wholly prospective: in implementing its anti-discrimination policy, the Commission of necessity must investigate broadcasters' past employment practices. A documented pattern of intentional discrimination would put seriously into question a licensee's character qualifications to remain a licensee: intentional discrimination almost invariably would disqualify a broadcaster from a position of public trusteeship. Where responsible and well-pleaded claims of discrimination have been made, therefore, the FCC may be required to hold a hearing to resolve these charges before granting a license renewal.

Bilingual Bicultural Coalition on Mass Media v. FCC, 595 F.2d 621, 628-29 (D. C. Cir. 1978). And while the instant case involving AT&T deals with AT&T's unfair activities in

depriving minority citizens of their liberty and civil rights rather than employment discrimination--the analogy is apt and clear--a discriminator is not entitled to hold an authorization from the Commission. Furthermore, the Commission has stated that it retains "expansive powers" to deal with discrimination. Memorandum of Understanding between the Federal Communications Commission and the Equal Employment Opportunity Commission, 70 FCC 2d 2320, ¶9 (1978).

10. It is well settled in communications law that a management-level employee's "gross misconduct and fraud . . . must be imputed to the licensee" because of the licensee's failure to exercise proper supervision over the station. Continental Broadcasting, Inc. (WNJR), 15 FCC 2d 120, 14 RR 2d 813, 817 (¶7) (1968), recons. den. 17 FCC 2d 485, 16 RR 2d 30 (1969), aff'd *sub nom.* Continental Broadcasting, Inc. v. FCC, 439 F.2d 580, 20 RR 2d 2126 (D. C. Cir. 1971), cert. den., 403 U.S. 905 (1971); see also Eleven Ten Broadcasting Corp. (KRLA), 32 FCC 706, 22 RR 699 (1962), aff'd *sub nom.* Immaculate Conception Church of Los Angeles v. FCC, 320 F.2d 795, 25 RR 2128a (D. C. Cir. 1963), cert. den., 375 U.S. 904 (1963); KWK Radio, Inc., 34 FCC 1039, 1 RR 2d 457, 459-60 (¶5) (1963), aff'd *sub nom.* KWK Radio, Inc. v. FCC, 337 F.2d 540, 2 RR 2d 2071 (D. C.

Cir. 19641, *cert. den.*, 380 U.S. 910 (1965). Therefore, the conduct of AT&T management and key employees (such as Mr. Phillips) is required to be imputed to AT&T.

11. Unfair trade practices are inimical to the public interest. The Commission has defined an "unfair trade practice" is one that causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or competition, citing 15 U.S.C. § 45(n). *Joint FCC/FTC Policy Statement*, FCC 00-72, 2000 WL 232230 (March 1, 2000). Although the FCC is not directly responsible for enforcing unfair trade practices laws and regulations, "the Commission must take into account the policies underlying the laws of antitrust and unfair competition". *RKO General, Inc.*, 78 FCC 2d 1, ¶58 (1980).

12. The Commission's current policy is "where an applicant has allegedly engaged in nonbroadcast misconduct 'so egregious as to shock the conscience and evoke almost universal disapprobation,' such conduct 'might be a matter of Commission concern even prior to adjudication by another body.'" *Contemporary Media, Inc. v. FCC*, 214 F.3d 187, 192 (D. C. Cir. 2001), and cases cited therein. Clearly, multichannel media provider conduct that is so egregious as

to shock the conscience and evoke almost universal disapprobation must then also be grounds for the Commission to take action against AT&T and its subsidiaries.

13. The Commission has in the past not waited for other governmental agencies to act when it learned about acts of racial discrimination by one of its licensees. In *Catoctin Broadcasting, supra*, the owner of a 250 watt AM radio station in Fredonia, New York lost his FCC license because, *inter alia*, he engaged in acts of racial discrimination against a Black woman. So far as the FCC decision relates, that discrimination was proven not before some other governmental agency, but at a field hearing in Jamestown, New York conducted by now-retired Administrative Law Judge Walter Miller. Furthermore, in at least one decision of the District of Columbia Circuit (which we cited in our Petition to Deny), a *prima facie* case of discrimination was made out by citizens merely pointing to data on FCC annual employment reports, and required the FCC to hold a hearing on the license renewal application of the affected licensee/renewal applicant. *Beaumont Branch of the NAACP v. FCC*, 854 F.2d 501 (D. C. Cir. 1988).

14. What we have in *this* case bears out the age-old complaint about the fundamental fairness of the FCC—there is one FCC for big business, and another FCC for the rest

of us. The FCC bares its fangs and goes after a small fry like Henry Serafyn with hammer and tong, but apparently rolls over for corporate giants like AT&T and Corncast. In a supposedly free and fair society, this cannot stand.

C. Remedy Sought

15. Petitioners seek that the Commission designate the above-captioned applications for appropriate hearing issues. It is respectfully submitted that there is a substantial and material question of fact as to whether AT&T possesses the requisite character qualifications that 47 U.S.C. §308(b) mandates the Commission to find. The appellate precedents require that a hearing be held. The United States Court of Appeals for the District of Columbia Circuit has reversed the Commission on a number of occasions for failing to hold hearings in cases such as the instant case where substantial and material questions of fact as to the basic qualifications of applicants to be FCC licensees had been raised but not resolved. *Weyburn Broadcasting Limited Partnership v. FCC*, 984 F.2d 1220 (D. C. Cir. 1993); *David Ortiz Broadcasting Corp. v. FCC*, 941 F.2d 1253 (D. C. Cir. 1991); *Astroline Communications Co. v. FCC*, 857 F.2d 1556 (D. C. Cir. 1989); *Beaumont Branch of the NAACP v. FCC*, 854 F.2d 501 (D. C. Cir. 1988); and

Citizens for Jazz on WRVR, Inc. v. FCC, 775 F.2d 392, 59 RR 2d 249 (D. C. Cir. 1985).

16. *Citizens for Jazz* states the test: a petitioner need not demonstrate a fire to prove a fire, but need only demonstrate "a good deal of smoke" in order to obligate the Commission to hold a hearing on whether the fire exists. 775 F.2d at 397. *Citizens for Jazz* is good law in this Circuit, having been quoted with approval in the relatively recent case of *Serafyn v. FCC*, 149 F.3d 123, 1216 (D. C. Cir. 1998).

17. Therefore, Petitioners urge that the Commission designate the above-captioned applications on appropriate issues, including but not limited to the following:

(1) To determine whether AT&T and/or its subsidiaries, employees or agents engaged in racial discrimination against the residents of the Natchez Trace and Hidden Glen apartment communities in Cobb County, Georgia;

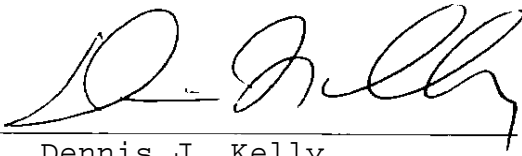
(2) To determine whether AT&T and/or its subsidiaries, employees or agents engaged in unfair trade practices by securing arrest warrants and maliciously prosecuting residents of the Natchez Trace and Hidden Glen apartment communities for not subscribing to AT&T cable television services; and

(3) In light of the facts and circumstances adduced pursuant to issues (1) and (2) above, whether AT&T Corporation and/or its subsidiaries possess the requisite character qualifications to be permitted to transfer control of their cable television system and related licenses and radio stations; and

(4) In light of the facts and circumstances adduced pursuant to issues (1), (2) and (3) above, whether the

Respectfully submitted,

LISA BURTON
CARMEN (ROBINSON) GONZALEZ
BETTY MAINA
TRACEY MASSAY
OSMISA PEACOCK
KIZZIE SANDERS
ANTHONY SCOTT
DEBORAH MARIA SHEPHERD
MARIA SMITH
GLORIA MARIE MITCHELL TAYLOR
ZELDA TEPPER
PATRICK YOUNG

By 
Dennis J. Kelly
(D. C. Bar #292631)
Their Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 41177
Washington, DC 20018
Telephone: 202-293-2300
E-mail: dkellyfcclawl@comcast.net

OF COUNSEL:

Henry D. Fellows, Jr.
(Georgia Bar #257825)
Chandler W. Mason
(Georgia Bar #475584)
FELLOWS, JOHNSON & LA BRIOLA, LLP
Peachtree Center, Suite 2300 South Tower
225 Peachtree Street, N.E.
Atlanta, GA 30303
Telephone: 404-586-9200
E-mail: cmason@fjl-law.com

DATED: December 16, 2002

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing "Petition for Reconsideration" were served by either first-class United States mail, postage prepaid (or by e-mail as shown by a "+" sign) on this 16th day of December, 2002, upon the following:

Mark C. Rosenblum, Esquire
Stephen C. Garavito, Esquire
AT&T CORP.
Room 1131M1
295 North Maple Avenue
Basking Ridge, NJ 07920

Stanley L. Wang, Esquire
Joseph W. Waz, Jr., Esquire
COMCAST CORPORATION
1500 Market Street
Philadelphia, PA 19102

Douglas Garrett, Esquire
James H. Bolin, Jr., Esquire
AT&T BROADBAND, LLC
188 Inverness Drive West
Englewood, CO 80112

James R. Coltharp, Esquire
COMCAST CORPORATION
2001 Pennsylvania Avenue, NW
Suite 500
Washington, DC 20006

Steven J. Horwitz, Esquire
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, NW,
Suite 200
Washington, DC 20006-9750
Counsel for AT&T Corporation

David Lawson, Esquire
Sidley Austin Brown & Wood LLP
1501 K Street, NW
Washington, DC 20005
Counsel for AT&T Corporation and
AT&T Broadband Corp.

Michael H. Hammer, Esquire
Willkie Farr & Gallagher
Three Lafayette Centre
1155 - 21st Street, NW
Washington, DC 20036-3384
Counsel for AT&T Corporation

A. Richard Metzger, Jr., Esquire
Lawler, Metzger & Milkman, LLC
1909 K Street, NW, Suite 820
Washington, DC 20006
Counsel for Comcast Corp.

James L. Casserly, Esquire
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, P.C.
701 Pennsylvania Avenue, N.W
Washington, DC 20004
Counsel for Comcast Corp.

Linda Senecal, Esquire+
Industry Analysis Division
Media Bureau
Federal Communications Commission
445 12th Street, SW, Room 2-C438
Washington, DC 20554

Qualex International+
Portals II, 445 12th Street, SW,
Room CY-B402
Washington, DC 20554

Roger Holberg, Esquire+
Media Bureau
Federal Communications Commission
445 12th Street, SW, Room 2-C262
Washington, DC 20554

Erin Dozier, Esquire+
Media Bureau
Federal Communications Commission
445 12th street, SW, Room 2-C221
Washington, DC 20554

Mr. David Sappington+
Chief Economist
Office of Plans and Policy
Federal Communications Commission
445 12th Street, SW, Room 7-C452
Washington, DC 20554

James Bird, Esquire+
Office of General Counsel
Federal Communications Commission
445 12th Street, SW, Room 8-C824
Washington, DC 20554

Mr. Donald Stockdale+
Office of Plans and Policy
Federal Communications Commission
445 12th Street, SW, Room 7-C324
Washington, DC 20554

William Dever, Esquire+
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C266
Washington, DC 20554

Cynthia Bryant, Esquire+
International Bureau
Federal Communications Commission
445 12th Street, SW, Room 6-C807
Washington, DC 20554

Jeff Tobias, Esquire+
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW, Room 2-C828
Washington, DC 20554

Sarah Whitesell, Esquire+
Associate Bureau Chief
Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Debbie Goldman and George Kohl
Communications Workers of America
501 Third Street, NW
Washington, DC 20001

Randolph J. May
The Progress and Freedom Foundation
1301 K Street, NW, Suite 550 East
Washington, DC 20005

Michael K. Kellogg, Esquire
Kellogg, Huber, Hansen, Todd &
Evans
1615 M Street, NW, Suite 400
Washington, DC 20036
Counsel for SBC Communications

Gary Philips
SBC Communications, Inc.
1401 "Eye" Street, NW
Washington, DC 20005

David K. Moskowitz, Esquire
EchoStar Satellite Corporation
5701 South Santa Fe
Littleton, CO 80120

Pantelis Michalopoulos
Steptoe & Johnson, LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Counsel for EchoStar Satellite
Corporation

James G. Harralson
BellSouth Corporation
1155 Peachtree Street, Suite 1800
Atlanta, GA 30309-3610

James L. Winston, Esquire
Rubin, Winston, Diercks, Harris &
Cooke
1155 Connecticut Avenue, NW, 6th Fl
Washington, DC 20036
Counsel for Minority Television
Project and KMTP

Matthew M. Polka
American Cable Association
One Parkway Center, Suite 212
Pittsburgh, PA 15220

Wayne Watts
SBC Communications, Inc.
175 East Houston Street
San Antonio, TX 78205

David R. Goodfriend
EchoStar Satellite Corporation
1233 - 20th Street, NW, Suite 701
Washington, DC 20036

Mark Cooper
Consumer Federation of America
1424 - 16th Street, NW, Suite 604
Washington, DC 20036

Harold Feld, Esquire
Andrew Jay Schwartzman, Esquire
Media Access Project
1625 K Street, NW, Suite 1118
Washington, DC 20006

Andrew Lipman, Esquire
Swidler Berlin Shereff Friedman LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
Counsel for RCN Telecom Services

Christopher C. Cinnamon, Esquire
Cinnamon Mueller
307 North Michigan Avenue, Suite
1020
Chicago, IL 60601

Clayton Leander
Contra Costa Cable TV Assessment
Task Force
1806 Key Blvd.
El Cerrito, CA 94530

Andrew B. McBride, Esquire
Wiley Rein & Fielding
1776 K Street, NW
Washington, DC 20006
Counsel for Verizon

William R. Richardson, Jr., Esquire
Wilmer Cutler & Pickering
2445 M Street, NW
Washington, DC 20337
Counsel for Qwest

Rachel Lipman Reiber
Everest Midwest Licensee, LLC
4740 Grand, Suite 200
Kansas City, MO 64112

Walter R. McGrath
Braintree Electric Light Department
150 Potter Road
Braintree, MA 02184

Charles McCollum
8603 Gillespie Street
Philadelphia, PA 19136

Gregory Frinklyn
9401 NE Gertz Court
Portland, OK 97211-1267

Ryan Donahue
46 E. Stewart Avenue #2
Landsdowne, PA 19050

Rori Cooper
Sacramento Community Cable
Foundation et al
4623 T Street, Suite A
Sacramento, Ca 95815

Michael E. Glover
Verizon
1515 N. Courthouse Road,
Suite 500
Arlington, VA 22201-2909

Steven Davis
Qwest Communications International
1801 California Street
Denver, CO 80202

Timothy D. Hugo
CapNet
1129 - 20th Street, NW, Suite 200
Washington, DC 20036

Stephen E. Davis
Ben Asset Group, Inc. et al
275 Lenox Avenue, Box 5545
New York, NY 10027

John S. Szostak
501 Martin Lane
Dresher, PA 19025

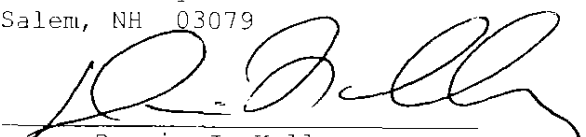
John Donovan
35 Newell Road
Auburndale, MA 02466

Evan Henshaw-Plath
14 Lawrence Street
Cambridge, MA 02139-3908

Fred Polner, Esquire
Rothman Gordon
Third Floor, Grant Building
Pittsburgh, PA 15219
Counsel for Blawnox, PA

Arthur Stamoulis
3514 Lancaster Ave., Apt. 207
Philadelphia, PA 19104

Ruth Stegner
SSD Media Center
44 Geremonty Drive
Salem, NH 03079


Dennis J. Kelly