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BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)
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 COMCAST CORPORATION)
 and subsidiaries) MB DOCKET NO. 02-70
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 and)
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 AT&T COMCAST CORPORATION)
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 For Transfer of Control)
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 AT&T CORP.)
 and subsidiaries)
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 and)
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 AT&T COMCAST CORPORATION)
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 For Transfer of Control)
)
 TO: Chief, Media Bureau

REPLY TO
"OPPOSITION TO 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 1.106 of the Commission's Rules, hereby respectfully submit their Reply to the "Opposition to

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Petition for Reconsideration" filed by Comcast Corporation and AT&T Corp. In support whereof, the following is shown:

1. AT&T Corp. wrongfully and immorally arranged for the arrest and incarceration of innocent people of color as part of its business operations in Marietta, Georgia. When those matters were raised at the FCC in connection with the above-referenced application, AT&T and its merger partner Comcast called them "frivolous". Tragically, the FCC let AT&T get away with its shocking misconduct. The petitioners merely seek that the FCC take a careful look at what happened. However, according to AT&T and Comcast, citizens such as the Marietta Petitioners herein have no rights, because the interests of big business must be served at all costs.

2. Once again, we pose the question which the FCC will not answer—why does the FCC have one level of tough enforcement policy for small-fry "bigots" such as Henry Serafin, the miscreant owner of WBUZ (AM), Fredonia, New York, which license was revoked in *Catoctin Broadcasting Corp. of New York*, 2 FCC Rcd 2126 (Rev. Bd. 1987), but an "anything goes", totally lax enforcement policy for industry giants such as AT&T? That is not a frivolous question.

3. Some 30 years ago, in the case of *Chronicle Broadcasting Co.*, 40 FCC 2d 775 (1973), at ¶66, the Commission issued a warning to powerful, incumbent licensees:

This is not to say, however, that we are not concerned about the type of investigative conduct here noted or that we intend to condone all future litigative investigations utilizing such procedures. Indeed, the danger of sanctioning such investigations, we believe, is readily apparent since it would clearly discourage members of the public, more timid than the Complainants in this proceeding, from bringing matters to the Commission's attention which fall within its regulatory powers and would also dampen the active participation of interested parties in Commission adjudicatory proceedings. We thus hold that the licensee will be held strictly accountable for all such investigations; that it is therefore incumbent upon the licensee not only to choose responsible investigators but to impress upon them the need to adhere closely to legitimate means and purposes in the investigation; and that the investigators' failure in these respects will reflect adversely upon the licensee, and in a particularly flagrant case can even be disqualifying. Thus, we wish to make it clear that, even though an investigation is not intended for the purpose of harassment, coercion, or intimidation, this Commission will nevertheless continue to examine thoroughly any investigation of parties participating in adjudicatory proceedings before this Agency. When it is found that the scope, breadth, and techniques employed in such investigations are improper in the context of a particular proceeding, the party instituting this type of investigation will be held responsible and, where appropriate, adverse conclusions will be drawn. In this case, the matter is one of first impression, and KRON-TV proceeded reasonably in choosing a responsible investigating organization under our new guidelines, it should have also impressed upon the investigators specifically rather than generally, the need to adhere to legitimate means and purposes in the investigation (see footnote 30). We hold that in these circumstances, what occurred reflects adversely on KRON-TV, but *is* certainly not disqualifying. *Since* all licenses are now put on notice as to what is expected of them, and that we **do** not mean to temporize in this area, we expect strict future compliance, with the warning that the adverse finding may be heightened in light of an improper occurrence after issuance of the guidance here given.

4. Despite its promise that it would "investigate thoroughly" conduct in the nature of the conduct engaged in by AT&T Corp. against the Marietta Petitioners, the FCC had utterly no interest in what mere citizens of the realm had to say.

5. The iniquity of the governmental system in this country has been demonstrated in this case. When AT&T wanted certain citizens investigated and harassed, all they needed to do was to call the local police, and they came running. On the other hand, when the Marietta Petitioners, the victims of AT&T, respectfully, peacefully and without subterfuge sought to exercise their right to "petition the government for a redress of grievances", they were all but ignored by the FCC. While the Marietta Petitioners received that ominous nighttime door pounding by armed law enforcement personnel, The FCC never bothered to even write even one letter of inquiry to AT&T. According to AT&T, it is frivolous for the Marietta Petitioners to ask for justice. Shame on AT&T.

WHEREFORE, 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 urge

that their "Petition for Reconsideration" BE GRANTED, that "Memorandum Opinion and Order" FCC 02-310 BE VACATED, and that the above-captioned applications BE DENIED, DISMISSED OR DESIGNATED FOR HEARING upon appropriate hearing issues.

Respectfully submitted,

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DATED: January 9, 2003

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 9th day of January, 2003, upon the following:

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