

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

JAN 9 2003

In the matter of)	
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Applications for Consent to the Transfer of)	
Control of Licenses from Comcast Corporation)	MB Docket No. 02-70
And AT&T Corp., Transferors, to AT&T Comcast)	
Corporation, Transferee)	
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ORDER GRANTING REQUEST FOR EXTENSION OF TIME

Adopted: January 16,2003

Released: January 21,2003

By the Deputy Chief, Media Bureau

1. On November 13, 2002, the Commission granted its consent to the transfer of control of certain licenses and authorizations ultimately controlled by Comcast Corporation and of AT&T Corp. to a new entity.¹ The new entity formed by the merger associated with these license transfers also is called Comcast Corporation ("Comcast"). The Commission placed certain conditions on its consent, including a requirement that the merged entity achieve compliance with section 76.501(d)(2) of the Commission's rules (the "Cable-SMATV Cross-Ownership Rule").²

2. At the time of the proposed merger, certain Comcast SMATV systems served areas that also were served by AT&T cable systems.³ Accordingly, the Commission conditioned its approval of the merger on compliance with the Cable-SMATV Cross-Ownership Rule within 60 days of the merger's closing.⁴ The merger closed on November 18, 2002,⁵ and the deadline for compliance with this condition is January 17, 2002.

3. By letter dated January 9, 2003, Comcast requests an extension of time to comply with

¹ *Applications for Consent to the Transfer of Control of Licenses, Comcast Corporation and AT&T Corp., Transferors, to AT&T Comcast Corporation, Transferee*, FCC 02-310 (rel. Nov. 14, 2002) ("Comcast-AT&T Order").

² Section 76.501(d)(2) provides that "[n]o cable operator shall offer satellite master antenna television service ("SMATV"), as that service is defined in § 76.5(a)(2), separate and apart from any franchised cable service in any portion of the franchise area served by that cable operator's cable system, either directly or indirectly through an affiliate owned, operated, controlled, or under common control with the cable operator." 47 CFR § 76.501(d).

³ *Comcast-AT&T Order* at ¶ 167.

⁴ *Id.* at ¶¶ 167,227

⁵ See Letter from James R. Coltharp, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC at n.1 (Jan. 9, 2003) ("Extension Request").

the condition as it applies to certain **SMATV systems**.⁶ Comcast states that the majority of the SMATV systems in former AT&T service areas are either already integrated into the appropriate cable franchises, or will be integrated by the **January 17, 2003** deadline.’ There are five remaining systems for which Comcast seeks an extension of time. Comcast states that negotiations are presently underway that will result in either divestiture of the remaining systems or integration of such systems into the proper cable franchise.’ Comcast also describes steps it must take to comply with applicable local franchise requirements in order to divest or integrate the systems.’ Comcast anticipates that a 45-day extension of time through **March 3, 2003** will allow it to complete negotiations, satisfy local franchise requirements, and finalize its divestiture or integration of the five remaining SMATV systems. Comcast asserts that this short extension of time will not undermine the diversity and competition policies underlying the Commission’s cross-ownership rules.¹⁰ In support of this, Comcast cites several cases in which the Commission granted a six or 12-month extension of time to comply with certain multiple ownership or cross-ownership rules.”

4. We find that grant of the requested extension serves the public interest. Comcast expects to meet the initial deadline with regard to the majority of affected SMATV systems. A brief extension of time in which to finalize negotiations and satisfy local franchise requirements with regard to the five remaining systems will not unduly harm diversity or competition in the relevant markets.

5. Accordingly, Comcast’s extension request is GRANTED, and the deadline for Comcast to comply with our Cable-SMATV Cross-Ownership Rule with regard to the systems specified in its January 9, 2003 letter is extended to **March 3, 2003**.

6. This action is taken pursuant to authority delegated by Section **0.283** of the Commission’s rules.”

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief, Media Bureau

⁶ See *Extension Request*. The five systems for which an extension is requested are at the following locations: (i) 24 Park Place, Hartford, Connecticut; (ii) 500 Lions Creek Circle, Noblesville, Indiana; (iii) 11400 Gables Drive, Fishers, Indiana; (iv) **2018** Cedar Lane, Franklin, Indiana; and (v) **921** Parliament Place, Greenwood, Indiana. *Id.* at 3-4.

⁷ *Id.* at 2.

⁸ *Id.* at 3-4

⁹ *Id.* at 3. These requirements include establishing physical interconnections between the Hartford **SMATV system** and its local cable plant serving the Hartford area. *Id.*

¹⁰ *Id.* at 5.

¹¹ *Id.* at 5 (citing *Shareholders of the Ackerly Group, Inc. (Transferor) and Clear Channel Communications, Inc. (Transferee)*, 17 FCC Rcd 10828 (2002) (granting 12-month extension of time to comply with radio/television cross-ownership rule) and other cases).

¹² 47 C.F.R. § 0.283