

RECEIVED & INSPECTED

JAN 26 2007

FCC - MAILROOM



*M. Lovern*

---

*pratgen@myway.com*  
3713 Parke Drive  
Edgewater, Md. 21037  
Fax (206)-350-5409  
Phone (206)-202-9074

January 25, 2007

Secretary, FCC  
Marlene Dortch  
FCC  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

RE: Bellsouth AT&T Merger Docket # 06-74  
Petition for Reconsideration

Dear Ms. Dortch:

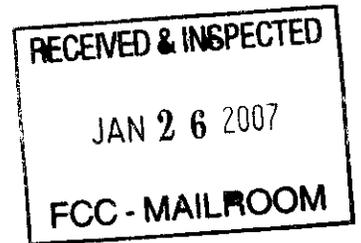
Enclosed is an Original and 4 Copies of my Petition for Reconsideration in the above proceeding, filed in a timely fashion. Please log this in the record.

Thank you.

*Michael Lovern, Sr.*  
Michael Lovern, Sr.

No. of Copies rec'd 0+4  
List ABCDE

*Before the*  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554



In the Matter of Applications  
for Consent to the Transfer  
of Control of Licenses and  
Section 214 Authorizations from

Michael Lovern, Sr. Petitioner

BELLSOUTH CORPORATION  
Transferor

To

WC Docket No. 06-74

AT&T INC.  
Transferee

**PETITION FOR RECONSIDERATION**

MICHAEL LOVERN, SR. ("MLS") herewith submits its PETITION FOR RECONSIDERATION ("PETITION") with respect to the subject transfer proceeding. MLS has reviewed the Commission's December 29, 2006, decision as reported by FCC Press Release, part and parcel to this proceeding. Based on this review, MLS concludes that the Commission failed in any way to consider and discuss the matters raised in MLS's two Comments filed and dated May 10, 2006, and, October 23, 2006, BUT, more important MLS finds the Commission's vote to be illegal and the action (or rather inactions) of the Commission to have been arbitrary and capricious, and in direct violation of the Administrative Procedure Act (APA), the Communications Act of 1934, as amended (Communications Act), and its own Rules and Regulations.

TITLE 47--TELECOMMUNICATION

CHAPTER I--FEDERAL COMMUNICATIONS COMMISSION

PART 1 \_PRACTICE AND PROCEDURE--Table of Contents

Subpart A \_General Rules of Practice and Procedure

Sec. 1.102 Effective dates of actions taken pursuant to delegated authority. [underline added for emphasis]

(a) Final actions following review of an initial decision.

(1) Final decisions of a commissioner, or panel of commissioners following review of an initial decision shall be effective 40 days after public release of the full text of such final decision. [underline added for emphasis]

(2) If a petition for reconsideration of such final decision is filed, the effect of the decision is stayed until 40 days after release of the final order disposing of the petition.

(3) If an application for review of such final decision is filed, or if the Commission on its own motion orders the record of the proceeding before it for review, the effect of the decision is stayed until the Commission's review of the proceeding has been completed.

(b) Non-hearing and interlocutory actions.

(1) Non-hearing or interlocutory actions taken pursuant to delegated authority shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question.

(2) If a petition for reconsideration of a non-hearing action is filed, the designated authority may in its discretion stay the effect of its action pending disposition of the petition for reconsideration. Petitions for reconsideration of interlocutory actions will not be entertained.

(3) If an application for review of a non-hearing or interlocutory action is filed, or if the Commission reviews the action on its own motion, the Commission may in its discretion stay the effect of any such action until its review of the matters at issue has been completed.

The Commission's vote on December 29, 2006, was pursuant to their "**Delegated Authority.**" See Title 47 U.S.C., Sec. 154 (j), in conjunction with 47 U.S.C., Sec. 152

Sec. 154 - (j) Conduct of proceedings; hearings

"The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested."

**47 CFR – Part 1, Subpart A, Sec. 1.102 *supra* applies to this proceeding.**

On October 23, 2006, MLS filed additional comments, part and parcel to the expanded time ordered by the Commission. Included in MLS's filing was a complete copy of an "*evidentiary brief*" just filed by MLS in U.S. District Court in Civil Action No. 1:05CV02102 (EGS) - **United States of America v. SBC Communications, Inc. and A&T Corp.**; and, Civil Action No. 1:05CV02103 (EGS) - **United States of America v. Verizon Communications, Inc. & MCI, Inc.**

It was received by the FCC Secretary's Office, addressed to Ms. Dortch, in a timely fashion. Someone at the FCC, or due to lack of security other individuals then proceeded to physically remove Official Court Exhibits N,O, & Q, all *smoking guns* in the context of evidence presented to the federal court, and provided to the FCC for consideration in this proceeding, from the official FCC record in this proceeding. [See MLS Exhibit A – Letter to all Commissioners dated November 4, 2006, explaining this in detail, FCC Inspector General copied].

There was no response from any of the Commissioners. MLS was subsequently able to file a complaint with the FCC Inspector General's Office, and discussed the complaint at length with Mr. David Hunt who is allegedly investigating this incident.

One of the missing exhibits is an affidavit from a former AT&T and Bell Operating System [BOC] employee with personal knowledge corroborating MLS's claims of massive fraud, racketeering, illegal billing practices, antitrust violations, etc..., committed by AT&T, SBC, Bellsouth et al, alleged in federal court, and filed with the FCC in MLS's comments dated May 10, 2006, part and parcel to this proceeding.

Tampering with evidence is a federal felony. The three exhibits omitted by someone, considered in conjunction with the remainder of information and evidence in the FCC / Court filing[s] is more than ample to null and void the Commissions vote on December 29, 2006, or, at the very least require a stay until such time the Commission can review the missing documents, casting a new vote on a "COMPLETE RECORD" as required by law.

When one considers the missing documents in conjunction with other evidence already in the record[s], like the secret internal documents from Bellcore whereby the RBOCs discuss how they laundered the billions of dollar stolen from their customers via the “Intercompany Settlement System”, any reasonable person would have to take notice.

For this reason alone, this Petition for Reconsideration must be granted as it’s undeniable that MLS’s participation in this proceeding has been adversely affected by leaving out of the official FCC record in this proceeding important official court documents that go to the heart of his comments and opposition, and that should be seen and considered by the Commissioners.

**BELLSOUTH SHRAEHOLDERS BEING DAMAGED, AT&T SHAREHOLDERS CAN BE POTENBTIALLY DAMAGED [cost of Bellsouth]**

NOW, this brings us to an even more serious problem. The Commission has not, and cannot issue a Final Order in this proceeding based on its own rules. The decision approving the merger is not final, nor is the merger between SBC Communications & AT&T Corp, as the federal court has not even approved that merger. Without a FINAL ORDER from the FCC in this proceeding, in clear violation of state and federal law [felonies included], AT&T took physical possession of Bellsouth and has dismantled it. BELLSOUTH is GONE! Thousands of employees and contractors have been laid off, records destroyed, the corporate treasury has been looted, projects cancelled, and “Golden Parachute Checks” written. AT&T has been selling Bellsouth stock under AT&T’s name illegally, and now the NYSE is liable. The AT&T / Bellsouth Merger is

far from final. MLS is about to file a lawsuit in U.S. District Court requesting Injunctive relief and a TRO prohibiting AT&T from controlling Bellsouth assets until such time the merger is final.

MLS was in court the day Judge Sullivan chastised DOJ lawyers for allowing SBC to take control of AT&T before his court had ruled in the antitrust proceeding. His court still hasn't ruled.

MLS requests that the Commission 1) Stay all orders in this proceeding until such time that all review [appeals] [both FCC and Federal Circuit Court] have run their course; 2) Order AT&T to cease control of Bellsouth assets during said review, and to order a full in-depth audit as to the monetary and structural actions committed on BellSouth to date; 3) Order the record in this proceeding to be amended to include the missing court documents prior to a new scheduled vote, or, further hearings after the Commission has reviewed the missing documents; and 4) schedule hearings as to what happened to the missing documents.

### **Conclusion**

WHEREFORE, in light of these compelling circumstances, Petitioner [MLS] respectfully ask that the Commission grant this Petition, and issue a stay of enforcement

of its decision until all appeals and review has completed.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael Lovern, Sr." The signature is written in a cursive style with a large, stylized initial 'M'.

Michael Lovern, Sr.  
3713 Parke Drive  
Edgewater, MD 21037  
(206)-202-9074  
pratgen@myway.com

January 25, 2007

M. Lovern



[pratgen@myway.com](mailto:pratgen@myway.com)  
3713 Parke Drive  
Edgewater, Md. 21037  
Fax (206)-350-5409  
Phone (206)-202-9074

November 4, 2006

Kevin J. Martin

Chairman

Michael J. Copps

Commissioner

Jonathan S. Adelstein

Commissioner

Deborah Taylor Tate

Commissioner

Robert M. McDowell

Commissioner

Federal Communications Commission

445 12th Street SW

Washington, DC 20554

**MLS EXHIBIT A**

Via fax & certified mail:  
(202)-418-2801 – Chairman

RE: Docket Number 06-74 [AT&T / Bellsouth Merger]

Dear Commissioners:

On October 24, 2006, I filed my comments in the AT&T / Bellsouth merger proceedings at the FCC. My filing was an exact copy of an evidentiary brief, with exhibits, that I had just previously filed in federal court, United States of America v. SBC Communications, Inc. and AT&T Corp., et al. – Case No. 1:05CV02102 (EGS).

My brief and exhibits outline massive fraud / racketeering involving all seven RBOCs, AT&T, and others. The exhibits are undeniable evidence proving the allegations. One of the exhibits, [Exhibit P], is an affidavit from a former AT&T employee who has first hand knowledge of the issues / allegations, and he corroborated my allegations, which are connected to hundreds of billions of dollars in active liability. Unfortunately my Exhibit P, along with my Exhibits N, O, & Q [Exhibits N, O, P & Q are all smoking guns in the context of evidence] were intentionally left out of the FCC record, yet they were delivered to Ms. Dortch, the FCC Secretary.

Page 2 – FCC Docket No. 06-74

Tampering with evidence is a federal felony. The evidence omitted by someone at the FCC, along with the remainder of information and evidence in my FCC / Court filing, is more than ample to eliminate any merger between AT&T and Bellsouth. Any vote by the FCC under these circumstances will be illegal, and it will give rise to serious legal liability, and, will force me to file legal action against all appropriate parties at the FCC.

Until such time that the missing evidence is in the record, and examined by all Commissioners, any vote on the merger can be considered an overt act in furtherance of the conspiracy, and all FCC parties will become accessories after the fact.

I have reported this to the Senate Judiciary Committee lawyers, and I tried to file a complaint with the FCC Inspector General, but no one at the FCC would return a call, NO ONE! At this point all I can do is wait and see what happens at the meeting Friday, November 3, 2006. If there is a vote, I will file a federal lawsuit in D.C. and ask the Court to take appropriate action against the FCC Officials.

Yours truly,

Michael Lovern, Sr.

Cc: Kent Nilsson – FCC (I.G.) fax: 202-418-2811  
Senate Judiciary Committee  
Selective News Media  
Exhibit File – U.S. District Court, Case No. 1:05CV02102 (EGS)

MLS/lis