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December 9, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twenty Street, S.W.  
Washington, D.C. 20554

**RE: Notice of Oral Ex Part Communication in Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses Or Transfer Control of Licensees, MB Docket No. 10-56**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I Élan Feldman ("Feldman"), hereby submit this Notice regarding an ex parte communication in MB Docket No. 10-56, **Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses or Transfer Control of Licensees, MB Docket No. 10-56**

On December 8, 2010, I, as a member of the public and small business owner in Miami Florida, met with staff members of Commissioner Meredith Baker's office: acting legal adviser Krista Witanowski and Rafi Martina legal fellow. During the meeting, we discussed the Commission's pending review of the Comcast/NBCU merger applications, and reviewed my Petition to Deny Comcast's Application, Comcast's limited Opposition and my Reply to Comcast's Opposition. The discussion repeated data and arguments already reflected in my other filings in this proceeding and included the following:

- Comcast had admitted in writing that it trespassed and acted inconsistently with its cable operator obligations under Section 621 multiple times. But in its merger proceeding Opposition, Comcast described its misconduct as "alleged" and sought to cover it up by referring to the lawsuit which Comcast itself encouraged Feldman to file. Notably, Comcast has not denied the misconduct detailed by Feldman in the record of Docket No. 10-56, nor has it disputed its obligations under Section 621. Moreover, Feldman provided documents, attached hereto, evidencing that Comcast suggested that Feldman file a civil action due to the approaching state of limitations deadline. This shows a lack of candor in omitting key facts from its representations to the FCC about Feldman's documented descriptions of Comcast's violations of Section 621. The Commissioner's staff requested additional documentation evidencing Comcast's admittance and substantiating the previous ex parte filing.

- The Commissioner's Staff asked, and we discussed, what FCC-related character issues are raised by Comcast's behavior toward Feldman and other suggested patterns of abuse. Commission character policy includes the concept of patterns of abuse. Combined with the Feldman filings, these records show a pattern of abuse of the public interest that the FCC is charged by statute to protect. It showed that not only is there a potential for public harm as Comcast has denied but an existence of public harm that will be enlarged by this merger. This pattern of past behavior is predictive of future abusive behavior by Comcast if granted control of NBCU and its legion of FCC licenses.
- Feldman has been rebuffed by several local and state governmental entities including the City of Miami, Miami Dade County and others, each disclaiming authority to prevent Comcast's continued abuses. Documents containing these disclaimers have been made a part of the record. However, it was again acknowledged that local and state authorities unknowingly abdicated their role believing such areas are preempted and that Comcast has shown a willingness to violate the law and a lack of intention to correct their abuse.
- Clearly, Section 621 is a mechanism for the Commission's enforcement. In our discussion, it was agreed that the FCC must step in to protect the public. If Comcast is to be allowed to continue, there must be records and accountability of Comcast. If Comcast chooses to violate others, the FCC must know of the volume of complaints. It was also discussed that Feldman was fearful of the effort to remove the petition from public inspection. He believed that it is important the public has a record of complaints unless it is found that the complaint is incorrect. In this instance Comcast has not refuted the complaint therefore Comcasts unlawful behavior must be public record and should be available in the future to show past actions in other proceedings. It was discussed that there must be a manner to collect complaints of provider's actions so to determine a pattern of behavior.
- In that connection Feldman was asked about the lawsuit and how it was going with Comcast. It was said that the purpose of the litigation, as recommended by Comcast, was to keep this Complaint alive. Feldman explained that the compensation is not the purpose of his participation in the FCC merger proceeding. Rather, Feldman seeks of Comcast's character and Comcast's fitness to be granted the many additional FCC authorizations for which it has made application, and to bring to the Commission's attention that Comcast's past misconduct toward Feldman is predictive of Comcast's future treatment of members of the public if the merger were approved. In addition Feldman expressed his wishes to curtail Comcast's unfettered and destructive actions detrimental to consumers and others such as himself, and to establish a mechanism by which members of the public may register their grievances and receive redress against Comcast, including but not limited to conditioning any approval of the merger on Comcast's certification by a date certain after approval that it has complied with Section 621 with respect to Feldman and will comply in the future in any other instances involving Section 621 and anyone aggrieved by Comcast under that law.
- Feldman expressed to the Commissioner's Staff that Comcast's misconduct was and is so egregious, arrogant and outrageous as to shock the conscience and almost universal

disapprobation, and that not only did Feldman requested further assistance in speaking with other Commissioners and their staff, to which the Commissioner's staff offered to discuss same with Commissioner. Feldman offered to return to Washington DC and supplied an email address to contact him if any commissioners wished to ask him questions but that he was frustrated.

Attached to this ex part filing are copies of materials provided during the December 8 meeting that were not previously filed in the docket record and requested copies of formal complaint. It was asked to submit the effort to remove Feldman from public inspection .included is also formal complaint supplied at meeting and a previous formal complaint.

In accordance with the Commission's rules, this ex part Notice is being filed electronically in the above reference docket. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully,

/s/ Élan Feldman  
Élan Feldman