

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

|   |   |                            |
|---|---|----------------------------|
| <b>In the Matter of</b>   | ) |                            |
|   | ) |                            |
| <b>Applications for Consent to the<br/>Transfer of Control of Licenses from</b> | ) | <b>MB Docket No. 02-70</b> |
|   | ) |                            |
| <b>COMCAST CORPORATION and<br/>AT&amp;T CORP.,</b>                              | ) |                            |
|   | ) |                            |
| <b>Transferors</b>  | ) |                            |
| <b>To</b>   | ) |                            |
| <b>AT&amp;T COMCAST CORPORATION,</b>  | ) |                            |
| <b>Transferee</b>   | ) |                            |

**MOTION OF EARTHLINK, INC. FOR AN ORDER REQUIRING SUBMISSION  
OF ADDITIONAL INFORMATION, PROVIDING FOR SUPPLEMENTAL  
COMMENT, AND SUSPENDING THE 180 DAY REVIEW PERIOD**

EarthLink, Inc. ("EarthLink") hereby submits its motion for the issuance of a Commission order in the above-referenced proceeding providing the following relief:

1. An order directing the applicants to file with the Commission for public review copies of all exhibits to and documents referenced or incorporated by reference in the "Restructuring Agreement by and among AOL Time Warner, Inc., AT&T Corp., Comcast Corporation, and The Other Parties Named Herein" (the "Restructuring Agreement"), dated as of August 20, 2002 and filed with the Commission in this docket on August 23, 2002.
2. An order providing a period of not less than ten business days during which interested parties may file comments limited to issues raised by the Restructuring Agreement and the exhibits thereto and documents referenced therein.

3. An order stopping the Commission's 180-day clock for reviewing the above-referenced applications until after the close of the comment period identified in paragraph 2, above.

The relief requested is appropriate and necessary because the Commission cannot effectively carry out its public interest analysis under sections 214 and 310 of the Communications Act without having access to the documents referenced above and without taking public comment on those documents. The Restructuring Agreement has been proffered by the applicants as a solution to the divestiture issues that the Commission has already determined are central to its analysis of the applications. In order for the Commission's review of this core issue to be meaningful, the Commission must have access to the documents in question. The detailed reasons in support of EarthLink's motion are set forth in the attached Supplemental Comments, which are being filed separately with the Commission today.

Respectfully submitted,

/s/ John W. Butler

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