

In the
**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CONSUMER FEDERATION OF
AMERICA, CONSUMERS UNION, AND
CENTER FOR DIGITAL DEMOCRACY

Appellants,

v.

FEDERAL COMMUNICATIONS
COMMISSION

Appellee.

No. _____

NOTICE OF APPEAL

Pursuant to 47 U.S.C. §§ 402(b)(6), 402(c), 28 U.S.C. §2343, and Federal Rule of Appellate Procedure 15(a), Consumers Union, Consumer Federation of America, and Center for Digital Democracy (“Appellants”), hereby appeal a November 14, 2002 order of the Federal Communications Commission (“Commission”) approving the transfer of licenses from AT&T Corporation to Comcast, Corporation. *Report & Order, Applications for Consent to the Transfer of Control of Licenses from Comcast Corporation and AT&T Corp., Transferors, to AT&T, Transferee*, MB Docket 02-70, FCC 02-310 (rel. Nov. 14, 2002) (“*AT&T/Comcast Merger Order*”). A copy of this order is attached.

Appellants appeal the Commission’s *AT&T/Comcast Merger Order* on the grounds that: 1) the Commission excluded from the record that it did consider and/or failed to consider evidence necessary to fulfill its obligation under law; 2) arbitrarily and capriciously violated its own precedent without explanation

as to the appropriate levels of media concentration and appropriate markets for review in mergers in the cable industry; and 3) the Commission's decision is otherwise arbitrary and capricious and contrary to law.

Appellants request that this Court hold unlawful, vacate, enjoin, and set aside the Commission's *AT&T/Comcast Merger Order* and order all such other relief as may be just and proper.

Respectfully Submitted,

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November 15, 2002

CERTIFICATE OF SERVICE

I, Harold Feld, hereby certify that, on this 15th day of November, 2002, I caused copies of the foregoing *Notice of Appeal* to be served upon the parties listed below by first class mail:

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