

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	No. 1:98CV03170
)	Judge Emmet G. Sullivan
v.)	
)	
AT&T CORPORATION and)	
TELE-COMMUNICATIONS, INC.,)	
)	
Defendants.)	

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. Defendant AT&T Corporation (“AT&T,” the successor in interest to Tele-Communications, Inc.) and Liberty Media Corporation (“Liberty,”) desire to file a motion jointly with Plaintiff the United States requesting that the Court terminate the Final Judgment entered by this Court on August 23, 1999. As a matter of policy, the United States does not consent to the termination of judgments without public notice and an opportunity for public comment.

Consequently, the United States has provisionally agreed with AT&T and Liberty to file a joint motion requesting that the Court terminate the Final Judgment (in the form attached hereto as Exhibit A), upon completion of the procedures described below for public notice and comment.

The United States has also agreed with AT&T and Liberty to file a Motion to Establish

Procedures for Termination of Final Judgment (in the form attached hereto as Exhibit B) together with this Stipulation.

2. AT&T and Liberty shall publish at their own expense a notice of the proposed termination of the Final Judgment (in the form attached as the Notice of Proposed Termination of Final Judgment Entered Against AT&T and Tele-Communications, Inc. on August 23, 1999, Exhibit C) in two consecutive issues of (a) *The Wall Street Journal* and (b) *Wireless Week*. An Order directing such publication (in the form attached as Order Establishing Notice and Public Comment Procedures for Motion to Terminate Final Judgment, Exhibit D) may be filed and entered by the Court without further notice to any party or any other proceedings.

3. The United States will publish in the *Federal Register* a notice (in the form attached as *Federal Register* Notice, Exhibit E) announcing the proposed termination of the Final Judgment and the United States' provisional consent to it. The *Federal Register* notice will summarize the Complaint, the Final Judgment, and the proposed termination of the Final Judgment, describe the procedures for obtaining and inspecting copies of relevant papers, and invite the submission of comments.

4. Within a reasonable time after the conclusion of the 60-day period for public comment running from the publication of the notices required by paragraph 2, the United States will file with the Court copies of any comments that it receives and its response to those comments. If the United States has not withdrawn its provisional consent to the termination of the Final Judgment based on the comments received, the parties will file a joint Motion to Enter Order Terminating Final Judgment together with a proposed Order Terminating Final Judgment. The United States reserves its right to withdraw its provisional consent to file the motion to terminate,

which it may do at any time before the entry of an Order Terminating Final Judgment, by filing a notice of withdrawal of its consent with the Court and serving a copy of said notice upon the other parties.

5. The parties request that the Court refrain from ruling on any motion to terminate the Final Judgment for at least seventy (70) days after the date of the last publication of the notices required by paragraph 2 of this Stipulation (i.e., at least ten (10) days after the close of the period for public comment), to permit time for evaluation and filing of a response to any public comments and submission of an appropriate motion.

6. In the event that the United States withdraws its consent, or if the proposed Order terminating the Final Judgment is not entered pursuant to this Stipulation, then this Stipulation shall be of no effect whatsoever; the making of this Stipulation shall be without prejudice to any party in this or any other proceeding; and the Stipulation shall not thereafter be used in this or any other action or for any other purpose.

FOR PLAINTIFF THE
UNITED STATES OF AMERICA

_____/s/_____
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Deputy Assistant Attorney General

_____/s/_____
Constance K. Robinson
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_____/s/_____
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Dated: 2/21/02

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Dated: _____

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Dated: _____

APPROVED FOR FILING: _____

United States District Judge