

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In Re Request of

COMCAST CORPORATION      File No. MSD-91-23

For Declaratory Ruling Concerning  
Section 310(b)(4) of the  
Communications Act of 1934, as  
amended

**MEMORANDUM OPINION AND ORDER**

**Adopted: January 24, 1992;      Released: January 31, 1992**

By the Chief, Mobile Services Division:

**I. INTRODUCTION**

1. Comcast Cellular Communications, Inc. (CCI), requests a declaratory ruling that the appointment of John R. Alchin (Alchin), a Australian citizen to the corporate office of Senior Vice President and Treasurer of Comcast will not adversely affect the public interest.

**II. DISCUSSION**

2. Alchin will not exercise supervision or control over the operation of the licensed facilities of Amcell, its subsidiaries, partnerships controlled by its subsidiaries, or any other common carrier license controlled by Comcast and is supervised by the President of Comcast, the Chairman and Vice Chairman, all of whom are United States citizens.

3. Under Section 310(b)(4)<sup>1</sup> of the Act, a station license may not be held by:

any corporation directly or indirectly controlled by any other corporation of which any officer . . . [is an] alien . . . if the Commission finds that the public interest will be served by the refusal or revocation of such license.

4. By its express language, the benchmarks established in Section 310(b)(4) apply to entities, such as Comcast which directly or indirectly control licensees. The restrictions in Section 310(b)(4) reflect national security concerns and are designed to guard against foreign influence by limiting aliens' participation in certain domestic radio activities. See *Request for Declaratory Ruling Concerning the Citizenship Requirements of Sections 310 (b) (3) and (4) of the Communications Act of 1934, as amended*. (Wilner & Scheiner), 103 F.C.C. 2d 511, 516-517 (1985), *recon.*, 1 FCC Rcd 12 (1986). Nevertheless, the statute permits licensing of a corporation controlled by another corporation which employs an alien officer where it is not contrary to the public interest. In previous cases, the Commission has found that the public interest would not be adversely served where the alien officers had no con-

trol or supervision of the licensee corporations. *Xerox Corporation*, 74 F.C.C. 2d 471 (1979); *International Telephone and Telegraph Corp.*, 67 F.C.C. 2d 604 (1978).

5. In view of Comcast's representation that Alchin will have no control or management oversight of AWACS licensees or its subsidiaries, we cannot find that the alien participation in Comcast would be inconsistent with the Act or the public interest.

**III. ORDERING CLAUSE**

6. Accordingly, IT IS ORDERED that the request for declaratory ruling IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Gregory J. Vogt  
Chief, Mobile Services Division  
Common Carrier Bureau

**FOOTNOTE**

<sup>1</sup> The Bureau analyzed the alien participation in this case under Section 310(b)(4) of the Act because AWACS itself does not hold licenses, but controls Commission licensees through its wholly-owned subsidiaries.