DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Chief, Reference Operations Division

FROM: Daniel M. Armstrong DMA
Associate General Counsel

SUBJECT: Bachow Communications, Inc. v. FCC, No. 99-1346; Bachow Communications, Inc. v. FCC & USA, No. 99-1347; DCT Transmission L.L.C. v. FCC & USA, No. 99-1360; Cambridge Partners, Inc., et al. v. FCC, No. 99-1361; Cambridge Partners, Inc., et al. v. FCC & USA, No. 99-1362; Commco, L.L.C., PLAINCOM, Inc. and Sintra Capital Corporation v. FCC, No. 99-1363; Commco, L.L.C., PLAINCOM, Inc. and Sintra Capital Corporation v. FCC & USA, No. 99-1364; and DCT Transmission, L.L.C. v. FCC, No. 99-1365. Filing of four new Petitions for Review and four Notices of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

DATE: September 21, 1999

In this consolidated matter, Bachow Communications, Inc., DCT Transmission, L.L.C, Cambridge Partners, Inc., et al.,[1] and Commco L.L.C., et al. each filed both petitions for review and notices of appeal on August 30, 1999 regarding: Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands; Implementation of Section 309(j) of the Communications Act - Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz Bands, ET Docket No. 95-183 and PP Docket No. 93-253, Memorandum Opinion and Order, FCC 99-179 (released July 29, 1999).

In their petitions for review, petitioners argue that the Commission's action in amending these rules was arbitrary and capricious, not supported by substantial evidence in the record, an abuse of discretion, and otherwise not in accordance with law. In their notices of appeal, appellants argue that the summary dismissal of their mutually exclusive pending applications as a result of the rule change, violated their comparative hearing rights.

---

[1]In addition to Cambridge Partners, Inc., the following parties were also included in the notice of appeal and petition for review: AA&T Wireless Services; Stevan A. Birnbaum; Linda Chester; HiCap Networks, Inc.; Paul R. Likins; PIW Development Corporation; Cornelius T. Ryan; SMC Associates; Southfield Communications LLC; Video Communications Corporation; and Wireless Telco.

The Court has docketed these cases as Nos. 99-1346, 99-1347, 99-1360, 99-1361, 99-1362, 99-1363, 99-1364 and 99-1365. The attorney assigned to handle the litigation of these cases is Pamela L. Smith.

cc: Chief, Wireless Telecommunications Bureau, Rm. 3-C122
Christopher J. Wright, Rm. 8-C755
David H. Solomon, Rm. 8-C757
P. Michele Ellison, Rm. 8-C758
Sheldon M. Guttmann, Rm. 8-C867
Richard K. Welch, Rm. 8-C862
Susan H. Steiman, Rm. 8-A666
John E. Ingle, Rm. 8-A765
Susan L. Launer, Rm. 8-A764
Suzanne M. Tetreault, Rm. 8-A668
Office of Public Affairs, Rm. CY-C314
Shepard's Citations