



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Chief, Reference Operations Division

FROM: Daniel M. Armstrong 
Associate General Counsel

SUBJECT: Columbia Millimeter Communications, L.P. v. FCC & USA, No. 99-1391;
Columbia Millimeter Communications, L.P. v. FCC, No. 99-1392; Eric Stermann v. FCC, No. 99-1393; and Eric Stermann v. FCC & USA, No. 99-1394. Filing of two new Petitions for Review and two new Notices of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

DATE: September 30, 1999

In this consolidated matter, Columbia Millimeter Communications, L.P. on September 22, 1999 and Eric Stermann on September 23, 1999, filed both a 402(a) Petition for Review and a 402(b) Notice of Appeal of: 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.

The Court has docketed these cases as Nos. 99-1391, 99-1392, 99-1393 and 99-1394. The attorney assigned to handle the litigation of these cases is Pamela L. Smith. These cases have been consolidated with Bachow Communications, Inc., et al. v. FCC, No. 99-1346, et al.

cc: Chief, Wireless Telecommunications
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