

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL**memorandum**

TO: Chief, Reference Information Center  
Chief, Wireless Telecommunications Bureau

FROM: Daniel M. Armstrong *DM*  
Associate General Counsel

SUBJECT: *Cambridge Partners, Inc., et al. v. FCC*, No. 00-1257. Filing of a new Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

DATE: June 26, 2000

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This is to advise you that, on June 19, 2000, Cambridge Partners, Inc., *et al.*, filed a Notice of Appeal, pursuant to 47 U.S.C. § 402(b), of the following order: *Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands*, ET Docket No. 95-183, RM-8553, *Implementation of Section 309(j) of the Communications Act – Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz Bands*, PP Docket No. 93-253, FCC 00-174 (released May 18, 2000).

Cambridge Partners, Inc., Stevan A. Birnbaum, Broadband WirelessAccess Wireless Services, Linda Chester, HiCap Networks, Inc., Paul R. Likins, William R. Lonergan, PIW Development Corporation, Cornelius T. Ryan, SMC Associates, Southfield Communications LLC, Video Communications Corporation, and Wireless Telco (collectively, "appellants") appeal the summary dismissal of 248 applications to provide service in the 39 GHz radiofrequency band. The applications were dismissed pursuant to rulemaking orders *In the Matter of Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands*, ET Docket No. 95-183, RM-8553, PP Docket No. 93-253, in which the Commission decided to dismiss pending mutually exclusive applications, and, instead, employ competitive bidding procedures for licensing the 39 GHz band. Appellants argue that the Commission's orders violate their rights to due process, represent a departure from prior policies and precedent, are arbitrary and capricious, an abuse of discretion, and otherwise not in accordance with law.

The Court has docketed this case as No. 00-1257. The attorney assigned to handle the litigation of this case is Pamela L. Smith.