

RECEIVED

SEP 7 1994

OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

OFFICE OF GENERAL COUNSEL

M E M O R A N D U M

TO: Chief, Dockets Division

FROM: Associate General Counsel, Litigation Division

SUBJECT: Bell Atlantic Personal Communications Inc. v. FCC & USA, No. 94-1555 and BellSouth Corporation v. FCC & USA, No. 94-1586. Filing of two new Petitions for Review in the United States Court of Appeals for the District of Columbia Circuit

DATE: September 2, 1994

Docket No(s). GEN 90-314

File No(s). RM-7140, RM-7175 and RM-7618

This is to advise you that on August 12, 1994, Bell Atlantic Personal Communications Inc. and on August 23, 1994, BellSouth Corporation, filed Section 402(a) Petitions for Review in the District of Columbia Circuit of the FCC decision: In the Matter Amendment of the Commission's Rules to Establish New Personal Communications Services, FCC 94-144, released June 13, 1994.

Petitioner challenges the FCC rules limiting the eligibility of entities that hold a non-controlling investment interest in a cellular operator to participate in PCS licenses.

Due to a change in the Communications Act, it will not be necessary to notify the parties of this filing.

The Court has docketed these cases as Nos. 94-1555 and 94-1586 and the attorneys assigned to handle the litigation of these cases are John E. Ingle and James Carr.

Daniel M. Armstrong

cc: General Counsel
Office of Public Affairs
Shepard's Citations

United States Court of Appeals
For the District of Columbia Circuit

FILED AUG 12 1994

RON GARVIN
CLERK

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

BELL ATLANTIC PERSONAL COMMUNICATIONS INC.

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,

Case No.

94-1555

AUG 12 12 13 PM '94

RECEIVED
AUG 12 1994
CLERK OF THE UNITED
STATES COURT OF APPEALS

PETITION FOR REVIEW

Bell Atlantic Personal Communications, Inc. ("Bell Atlantic"), pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, petitions this Court for review of the Federal Communication Commission's Memorandum Opinion and Order in the matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, Gen. Docket No. 90-314, RM-7140, RM-7175, RM-7618 (released June 13, 1994) (the "Memorandum Opinion and Order"). A summary of this order was published in the Federal Register on June 24, 1994. See 59 Fed. Reg. 32830 (June 24, 1994).

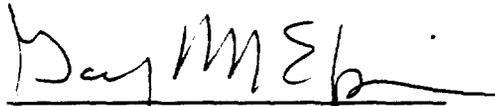
In the Memorandum Opinion and Order, the Commission amended certain aspects of its rules governing broadband personal communications services. The Commission took this action in response to sixty-seven petitions for reconsideration or clarification of the rules and policies adopted in its Second Report and Order, 8 FCC Rcd. 7700 (1993). Relief is sought on the grounds that the Memorandum Opinion and Order is arbitrary,

capricious and otherwise contrary to law. Venue is proper under 28 U.S.C. § 2343.

Bell Atlantic requests that this Court hold unlawful, vacate, enjoin, and set aside the Memorandum Opinion and Order, and that the Court grant such other and further relief as may be proper and just under the circumstances.

Respectfully submitted,

BELL ATLANTIC PERSONAL COMMUNICATIONS, INC.



Gary M. Epstein (D.C. Bar No. 23499)
Maureen E. Mahoney (D.C. Bar No. 343111)
James H. Barker (D.C. Bar No. 430262)
LATHAM & WATKINS
Suite 1300
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2505
(202) 637-2000

and

William L. Roughton
of Counsel
for BELL ATLANTIC PERSONAL
COMMUNICATIONS, INC.

Attorneys for Petitioner Bell Atlantic
Personal Communications, Inc.

August 12, 1994

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

BellSouth Corporation

Petitioner,

v.

Federal Communications Commission
and United States of America

Respondents.

Case No. 94-1586

Filed 8/23/94

PETITION FOR REVIEW

BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Enterprises, Inc. (collectively "BellSouth"), pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, petitions this Court for review of the Federal Communication Commission's Memorandum Opinion and Order in the matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, Gen. Docket No. 90-314, FCC 94-144 (June 13, 1994), summarized, 59 Fed. Reg. 32830 (June 24, 1994), reconsidering Second Report and Order, 8 FCC Rcd. 7700 (1993), petitions for further reconsideration pending. Copies of these decisions are attached.

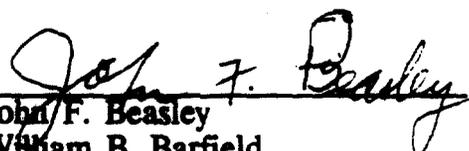
In the Memorandum Opinion and Order and Second Report and Order, the Commission adopted rules governing broadband personal communications services. Relief is sought on the grounds that these decisions (1) are arbitrary and capricious,

(2) lack substantial evidence, and (3) are otherwise contrary to law. Venue is proper under 28 U.S.C. § 2343.

Respectfully submitted

BellSouth Corporation
BellSouth Telecommunications, Inc.
BellSouth Enterprises, Inc.

By:


John F. Beasley
William B. Barfield
Jim O. Llewellyn

1155 Peachtree Street, N.E.
Atlanta, Georgia 30309-3610
(404) 249-4445

Charles P. Featherstun
David Richards

1133 - 21st Street, N.W.
Suite 900
Washington, D.c. 20036
(202) 463-4132

Dated: August 23, 1994