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FEDERAL COMMUNICATIONS COMMISSION
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: Paging Network, Inc. v. FCC & USA, No. 94-1670.
Filing of a new Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: October 12, 1994

Docket No(s). ET 93-266 and GEN 90-314

File No(s).

This is to advise you that on October 11, 1994, Paging Network, Inc., filed a Section 402(a) Petition for Review in the United States Court of Appeals for the D.C. Circuit of the FCC decision: In the Matter of Review of the Pioneer's Preference Rules and In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, FCC 94-209, released August 9, 1994.

Challenge to FCC amended pioneer's preference rule, as applied to broadband personal communication services (PCS) so as to require preference winners to pay for their licenses an amount keyed to the auction prices paid for similar 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 this case as No. 94-1670 and the attorneys assigned to handle the litigation are John Ingle and James Carr.

Daniel M. Armstrong

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

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

PAGING NETWORK, INC.,
Petitioner,
v.
FEDERAL COMMUNICATIONS
COMMISSION and THE UNITED
STATES OF AMERICA,
Respondents.

Case No. 94-1670
Filed 10/11/94

PETITION FOR REVIEW OF AN ORDER
OF THE FEDERAL COMMUNICATIONS COMMISSION

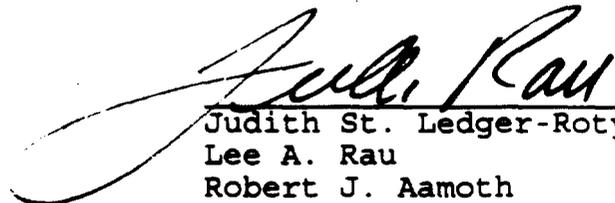
Paging Network, Inc., ("PageNet"), pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, petitions this Court for review of the Memorandum Opinion and Order on Remand of the Federal Communications Commission ("FCC") in the proceeding captioned In the Matter of Review of the Pioneer's Preference Rules and In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services ("Order"), a copy of which is attached hereto. In the Order, the FCC acted upon the District of Columbia Circuit's order remanding the Personal Communications Services ("PCS") pioneer's preference cases to the

Commission for further consideration, and modified the Commission's pioneer's preference rules to require that certain recipients of pioneer's preferences must pay for their licenses.

PageNet respectfully requests that the Order be set aside because it is in violation of the Communications Act of 1934, 47 U.S.C. § 151, et seq., and the Administrative Procedures Act, 5 U.S.C. § 554, in that it is arbitrary, capricious, unsupported by substantial evidence, an abuse of discretion, and otherwise contrary to law.

Respectfully submitted,

PAGING NETWORK, INC.



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Date: October 11, 1994