



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

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TO: Chief, Reference Operations Division

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

Federal Communications Commission
Office of Secretary

SUBJECT: National Wireless Resellers Association, Cellular Service, Inc. and Com Tech, Inc. v. FCC & USA, No. 97-1071. Filing of a new Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: March 6, 1997

This is to advise you that National Wireless Resellers Association ("NWRA"), Cellular Service, Inc. ("CSI") and ComTech, Inc. ("ComTech") on February 3, 1997, filed a Section 402(a) Petition for Review of: Implementation of Sections 3(n) and 332 of the Communications Act, CC Docket No. 93-252, FCC 96-473, released December 20, 1996.

Petition for review of order denying petition for reconsideration of decision, Second Report and Order, Gen. Doc. 93-252, 9 FCC Rcd 1411 (1994), deferring to a future rulemaking issues concerning the right of cellular resellers to interconnect their switching facilities with those of facilities-based cellular carriers. Petitioners contend, *inter alia*, that the FCC erred when it: (1) held that resellers do not have an absolute right to immediate interconnection under Section 201 of the Communications Act; (2) held that Section 6002(d)(3)(C) of the Budgetary Act did not require that the FCC promulgate rules concerning these issues by Aug. 10, 1994; and (3) held that facilities-based cellular operators do not have control over bottleneck facilities and denied interim relief.

The Court has docketed this case as No. 97-1071. The attorney assigned to handle the litigation of this case is Roberta L. Cook.

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