



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

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TO: Chief, Reference Operations Division

SEP 16 1997

FROM: Daniel M. Armstrong
Associate General Counsel

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SUBJECT: Fresno Mobile Radio, Inc., et al. v. FCC, No. 97-1459. Filing of a new Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

DATE: August 20, 1997

This is to advise you that Fresno Mobile Radio, Inc., et al. on August 1, 1997, filed a Section 402(b) Notice of Appeal of: Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, Second Report and Order, PR Docket No. 93-144 (RM-8117, RM-8030, RM-8029), GN Docket No. 93-252 and PP Docket No. 93-253, FCC 97-223, released July 10, 1997.

The above-referenced order adopted final service and competitive bidding rules for the lower 80 of the 800 MHz Specialized Mobile Radio (SMR) channels and 150 General Category channels. Petitioners challenge the FCC's statutory authority to auction and license the 800 channels in the manner decided.

The Court has docketed this case as No. 97-1459. The attorney assigned to handle the litigation of this case is Roberta L. Cook.

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