



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

APR 12 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SUBJECT: Achernar Broadcasting Company and Lindsay Television, Inc. v. FCC & USA, D.C. Cir. No. 98-1521; and Latin Communications Group Television, Inc. and Entravision Holdings Company, LLC v. FCC & USA, D.C. Cir. No. 99-1025. Filing of a Joint Notice of Appeal or, alternatively, a Petition for Review and a Joint Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: February 12, 1999

This is to advise you that Achernar Broadcasting Company and Lindsay Television, Inc., on November 9, 1998, filed a 402(b) Notice of Appeal or, alternatively, a 402(a) Petition for Review, of: In the Matter of Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, FCC 98-261, released October 9, 1998. Latin Communications Group Television, Inc. and Entravision Holdings Company, LLC filed a 402(a) Petition for Review of the same order on January 19, 1999.

Appellants/Petitioners Achernar and Lindsay challenge the Commission's denial in the above-referenced order of their request for reconsideration of the earlier Report and Order in this docket, 12 FCC Rcd 22953 (1997), in which the Commission decided not to grant new television applications in Channels 60-69. (The Commission noted that its denial of reconsideration was without prejudice as to Lindsay's pending waiver request.) The Court has held this case in abeyance, and the Commission has moved to dismiss, arguing that the case was prematurely filed.

Petitioners Latin and Entravision challenge the Commission's denial in the above-referenced order of Latin's request for reconsideration of the earlier Report and Order in this docket, 12 FCC Rcd 22953 (1997), in which the Commission decided not to protect low power television stations operating on Channels 60-69 from facilities that may be licensed in this band during the transition to digital television.

The Court has docketed these cases as No. 98-1521 and No. 99-1025, respectively. The attorney assigned to handle the litigation of these cases is K. Michele Walters.

cc: Chief, Office of Engineering and Technology, Rm. 480, 2000 M St.
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Office of Public Affairs, Rm. CY-C314
Shepard's Citations