



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

**memorandum**

TO: Chief, Reference Information Center  
Chief, Cable Services Bureau

FROM: John E. Ingle *J E I*  
Deputy Associate General Counsel

SUBJECT: *FCC & USA v. Gulf Power Company, et al.*, No. 00-843 and *National Cable Television Association, Inc. v. Gulf Power Company, et al.*, No. 00-832. Filing of two new Petitions for Writ of Certiorari the Supreme Court of the United States.

DATE: December 1, 2000

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This is to advise you that, on November 21, 2000, the Federal Communications Commission and United States of America, and on November 22, 2000, the National Cable Television Association, Inc. ("NCTA") filed Petitions for Writ of Certiorari of *Gulf Power Company, et al. v. FCC*, 208 F.3d 1263, *rehearing denied*, 226 F.3d 1220 (2000)

The Government and NCTA challenge the Eleventh Circuit's holding that pole attachments used for commingled cable/Internet service and for wireless service are not entitled to the rate protection of the Pole Attachment Act.

The Court has docketed these cases as Nos. 00-832 and 00-843. The attorney assigned to handle the litigation of these cases is Gregory M. Christopher.