FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

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

FROM: John E. Ingle JEI
Deputy Associate General Counsel

SUBJECT: *Xcel Energy Inc. v. FCC & USA*, No. 01-1377, *Atlantic City Electric Company, et al. v. FCC & USA*, No. 01-1378, and *Public Service Electric & Gas Company v. FCC & USA*, No. 01-1380. Filing of three Petitions for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: September 6, 2001

This is to advise you that on August 28, 2001, Xcel Energy Inc. and Public Service Electric & Gas Company each filed individual Petitions for Review and Atlantic City Electric Company, Delmarva Power & Light Company, Potomac Electric Power Company, Tampa Electric Company, Virginia Electric & Power Company and Union Electric Company d/b/a Amerenue filed a joint Petition for Review, pursuant to 47 U.S.C. § 402(a), of the following order: *Amendment of Rules and Policies Governing Pole Attachments*, CS Docket No. 97-98 and *Implementation of Section 703(e) of the Telecommunications Act of 1996*, CS Docket No. 97-151, Consolidated Partial Order on Reconsideration, FCC 01-170 (released May 25, 2001).

Petitioners challenge the methodology and presumptions used to calculate the maximum rate permissible under Section 224 for attachments to utility poles and conduits by cable and telecommunications operators.

The Court has docketed these cases as Nos. 01-1377, 01-1378 and 01-1380. The attorney assigned to handle the litigation of these cases is Gregory M. Christopher.