

CC Docket No. 98-45



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Chief, Reference Information Center
Chief, Common Carrier Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *National Association of State Utility Consumer Advocates v. FCC & USA*, No. 01-968. Filing of a Petition for Writ of Certiorari in the Supreme Court of the United States.

DATE: January 15, 2002

This is to advise you that, on December 10, 2001, the National Association of State Utility Consumer Advocates filed a Petition for Writ of Certiorari in the Supreme Court seeking review of the United States Court of Appeals for the Fifth Circuit's ruling in *Texas Office of Public Utility Counsel, et al. v. FCC & USA*, 265 F.3d 313 (2001), that the Commission did not violate section 254(k) of the Communications Act when it allowed local exchange carriers to recover all of their interstate loop costs from end users.

The Court has docketed the case as No. 01-968. The attorney assigned to handle the litigation of this case is James M. Carr.