



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Director, Reference Information Center
Chief, Wireline Competition Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Qwest Corporation and Qwest Communications International, Inc. v. FCC & USA*, No. 02-1256. Filing of a Petition for Review to the United States Court of Appeals for the District of Columbia Circuit.

DATE: August 23, 2002

This is to advise you that on August 12, 2002, Qwest Corp. and Qwest Communications International, Inc. filed a joint Petition for Review in the D.C. Circuit, pursuant to 47 U.S.C. § 402 (a) of the following *Orders*:

Telephone Number Portability, CC Docket 95-116, *Memorandum Opinion and Order on Reconsideration and Order on Application for Review*, FCC 02-16 (rel. Feb. 15, 2002)¹;

Telephone Number Portability Cost Classification Proceeding, CC Docket 95-116, RM-8535, *Memorandum Opinion and Order*, DA 98-2534 (rel. Dec. 14, 1998); and

Telephone Number Portability, CC Docket 95-116, RM-8535, *Third Report and Order*, FCC 98-82 (rel. May 12, 1998).

In the orders on review, the Commission adopted rules relating to recovery of carrier costs for Long Term Number Portability (LNP). In the most recent order, the Commission addressed issues raised in petitions for reconsideration and clarification of the Commission's Third Report and Order on LNP and affirmed the Common Carrier Bureau's Cost Classification Order. The Commission also clarified and affirmed matters related to the recovery of carrier costs for LNP, which were decided in the two prior Orders.

In its Petition for Review, Qwest asserts that "the *Orders* exceed the FCC's authority, and are arbitrary, capricious, and an abuse of discretion and otherwise contrary to law.

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¹ A summary of FCC 02-16 was published in the Federal Register on June 13, 2002, 67 Fed.Reg. 40619, making the petition for review timely under Section 402(a) of the Communications Act, and 28 U.S.C. § 2344.