



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, International Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Bayan Telecommunications, Inc. v. USA & FCC*, No. 04-1260. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: August 17, 2004

This is to advise you that, on August 2, 2004, Bayan Telecommunications, Inc. ("Bayan") filed a Petition for Review in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. 402(a), of the following order: *In the Matter of AT&T Corp. Emergency Petition for Settlements Stop Payment Order and Request for Immediate Interim Relief and Petition for WorldCom, Inc. For Prevention of "Whipsawing" on the U.S.-Philippines Route*, IB Docket No. 03-38, Order on Review, FCC 04-112 (rel. June 4, 2004).

The Commission affirmed a staff order finding that six Philippine carriers had disrupted the U.S.-Philippine networks of AT&T and MCI in retaliation for AT&T's and MCI's refusal to agree to the Philippine carriers' demand for rate increases for termination services. The staff had found that the Philippine carriers had "whipsawed" AT&T and MCI by their rate demands and thereby had harmed U.S. consumers of service to the Philippines. Bayan, one of the Philippine carriers, petitions for review of the FCC's order affirming the staff action, contending (1) that the Commission ignored evidence supplied by Bayan in making its "whipsawing" finding, and (2) that the Commission abused its discretion by imposing uniform contract terms on U.S. carrier agreements with all Philippine carriers.

The Court has docketed this case as No. 04-1260. The attorney assigned to handle the litigation of this case is Laurel R. Bergold.