



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Consumer & Governmental Affairs Bureau

FROM: *DMA* Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Robert Biggerstaff v. FCC & USA*, No. 06-1191 (D.C. Cir.); *Starkle Ventures, L.L.C. v. FCC & USA*, No. 06-1192 (D.C. Cir.); and *Douglas M. McKenna v. FCC & USA*, No. 06-9555 (Tenth Cir.). Filing of three Petitions for Review in the United States Courts of Appeals for the D.C. and Tenth Circuits.

DATE: June 20, 2006

This is to advise you that, on June 2, 2006, Robert Biggerstaff and Starkle Ventures, L.L.C. filed Petitions 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 Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Junk Fax Prevention Act of 2005*, CG Docket Nos. 02-278 and 05-338, Report and Order and Third Order on Reconsideration, 21 FCC Rcd 3787 (2006). On June 5, 2006, Douglas M. McKenna filed a Petition for Review of the same order in the U.S. Court of Appeals for the Tenth Circuit.

Petitioners challenge the above-referenced FCC order amending rules on unsolicited facsimile advertisements as required by the Junk Fax Prevention Act of 2005 and acting on petitions for reconsideration of a 2003 report and order concerning the Telephone Consumer Protection Act's facsimile advertising rules.

The D.C. Circuit has docketed its cases as Nos. 06-1191 (Biggerstaff) and 06-1192 (Starkle Ventures) and the Tenth Circuit has docketed its case as No. 06-9555. The attorney assigned to handle the litigation of these cases is C. Grey Pash, Jr.