



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

# Memorandum

**TO:** Director, Reference Information Center  
Chief, Media Bureau

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

**SUBJECT:** *United Church of Christ Office of Communication, Inc. v. FCC & USA*, Sixth Circuit No. 08-3245; *ValueVision Media, Inc. d/b/a Shop NBC v. FCC & USA*, Eighth Circuit No. 08-1554; and *National Cable & Telecommunications Association v. FCC & USA*, D.C. Circuit No. 08-1115. Filing of three Petitions for Review in the United States Courts of Appeals for the Sixth, Eighth and District of Columbia Circuits.

**DATE:** March 25, 2008

This is to advise you that, on March 4, 2008, the United Church of Christ Office of Communication, Inc. filed a Petition for Review in the U.S. Court of Appeals for the Sixth Circuit pursuant to 47 U.S.C. § 402(a), of the following order: *In the Matter of Leased Commercial Access*, MB Docket No. 07-42, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 2909 (2008). Petitions for review of the same order were also filed on March 11, 2008, by ValueVision Media, Inc. d/b/a ShopNBC in the Eighth Circuit and, on March 12, 2008, by the National Cable & Telecommunications Association in the District of Columbia Circuit. Pursuant to the judicial lottery provisions of 28 U.S.C. § 2112, on March 17, 2008, the Judicial Panel on Multidistrict Litigation consolidated the cases in the U.S. Court of Appeals for the Sixth Circuit, which is authorized to retain the cases or to transfer them to any other federal circuit “[f]or the convenience of the parties in the interest of justice.”

Petitioners challenge the FCC’s modification of its leased access rules, which require cable operators to provide channel capacity for commercial use by unaffiliated programmers pursuant to 47 U.S.C. § 532.

The Courts have docketed these cases as Nos. 08-3245, 08-1554 and 08-1115. The attorney assigned to handle the litigation of these cases is James M. Carr.