



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center

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

SUBJECT: *Sprint Nextel Corporation v. FCC & USA*, No. 08-1233. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: December 23, 2008

This is to advise you that on June 27, 2008, Sprint Nextel Corporation ("Petitioners") filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit pursuant to 47 U.S.C. § 402(a), of the following order: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, WT Docket Nos. 03-66, 03-67, 02-68, IB Docket No. 02-364, ET Docket No. 00-258, Third Order on Reconsideration and Sixth Memorandum Opinion and Order and Fourth Memorandum Opinion and Order and Second Further Notice of Proposed Rulemaking and Declaratory Ruling, 23 FCC Rcd 5992 (2008).

Petitioners hold licenses in the Broadband Radio Service (BRS) frequencies. The Commission has authorized operators of Mobile Satellite Systems (MSS) to share BRS frequencies with BRS licensees subject to restrictions on the power flux densities of MSS signals, which serve to protect BRS systems from harmful interference. In the order under review, the Commission rejected a petition for reconsideration that asked the Commission to establish more stringent interference protections.

The underlying order from which the Commission denied reconsideration is itself on review before the D.C. Circuit (No. 06-1278). This case has been consolidated with 06-1278 and held in abeyance pending the Commission's resolution of yet another petition for reconsideration of the underlying order.

The Court has docketed this case as No. 08-1233. The attorney assigned to handle the litigation of this case is Joel Marcus.