



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Director, Reference Information Center
Chief, Public Safety and Homeland Security Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

DATE: February 23, 2009

SUBJECT: *City of Aurora, IL and City of Naperville, IL v. FCC*, No. 09-1061. Filing of a Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

This is to advise you that on February 12, 2009, *City of Aurora, Illinois and City of Naperville, Illinois* ("Appellant") filed a new case in the U.S. Court of Appeals for the District of Columbia pursuant to 47 U.S.C. § 402(a), of the following order: *In the Matter of Improving Public Safety Communications in the 800 MHz Band*; WT Docket 02-55; FCC 08-276 (rel. Dec. 23, 2008).

Appellant, with respect to the FCC's effort to reorganize the 800 MHz spectrum band, seeks review of the FCC's denial of reconsideration of the determination that Sprint's obligation to pay licensees' re-banding costs does not extend to licensees' post-mediation litigation costs when re-banding disputes are brought before the Commission.

The Court has docketed this case as No. 09-1061. The attorney assigned to handle the litigation of this case is Pamela Smith.