



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM: Richard K. Welch
Acting Associate General Counsel

DATE: January 28, 2011

SUBJECT: *MetroPCS Communications, Inc., et al. v. FCC*, No. 11-1016. Filing of a Notice of Appeal in the United States Court of Appeals for the D.C. Circuit.

This is to advise you that on January 24, 2011, MetroPCS Communications, Inc., et al. ("Appellant") filed a new case in the U.S. Court of Appeals for the D.C. Circuit pursuant to 47 U.S.C. § 402(b), of the order: *In the Matter of: Preserving the Open Internet and Broadband Industry Practices*, FCC 10-201; GN Docket No. [REDACTED] and WC Docket No. 08-51 (rel. Dec. 23, 2010).

MetroPCS challenges the Open Internet Order on the grounds that it exceeds the Commission's authority, is arbitrary and capricious, and violates the Constitution.

The Court has docketed this case as No. 11-1016. The attorney assigned to handle the litigation of this case is Joel Marcus.