

Updated: November 24, 2009

LIST OF PENDING APPELLATE CASES

Name:	Comcast Cable Communications, Inc. v. FCC
Case No:	96-1148
Court:	District of Columbia Circuit
FCC Order Description:	In re: Implementation of Sections of the Cable TV Consumer Protection And Competition Act of 1992; rate regulation and adoption of a uniform accounting system for provision of regulation cable service, 11 FCC Rcd 2220 (1996). FCC Docket No: MM93-215/CS94-28. FCC Order No. 95-502.
Case Description:	Comcast contends that the FCC's rules governing cost of service showings filed by cable operators to justify regulated cable rates are unconstitutional as well as arbitrary and capricious.
Status:	Held in abeyance.

Name:	Knox Broadcasting Group, Inc. v. FCC
Case No:	99-1059
Court:	District of Columbia Circuit
FCC Order Description:	In re: letter ruling dated 1/13/99 from Linda Blair, Chief, Audio Services Division, MMB, FCC to John F. Garziglia, Esq., et al. denying Knox's Petition for Reconsideration, 12 FCC Rcd 3337 (1997). Not docketed. No FCC Order.
Case Description:	Knox challenges the FCC's denial of its application for extension of its construction permit for WJRZ(AM), Toms River, New Jersey
Status:	Held in abeyance.

Name:	Newspaper Association of America v. FCC
Case No:	00-1375
Court:	District of Columbia Circuit
FCC Order Description:	In re: 1998 Biennial Regulatory Review – review of the Commission’s broadcast ownership rules and other rules adopted pursuant to Section 202 of the Telecomm Act of 1996, 15 FCC Rcd 11058 (2000). FCC Docket No. MM 98-35. FCC Order No. 00-191.
Case Description:	Newspaper Association of America challenges the Commission’s determination not to repeal its newspaper/broadcast cross-ownership rule.
Status:	Held in abeyance.

Name:	Paxson Chicago License, Inc. v. FCC
Case No:	01-1457
Court:	District of Columbia Circuit
FCC Order Description:	In re: Paxson Chicago License, Inc. v. 21 st Century TV Cable, Inc., et al., DA 01-149, 16 FCC Rcd 2185 and Paxson Chicago License, Inc. v. 21 st Century TV Cable, Inc., et al., 16 FCC Rcd 15571 (2001). Not docketed. FCC Order No. 01-226
Case Description:	Paxson challenges the FCC’s denial of its “must carry” complaints against thirteen Chicago cable operators on the basis of a finding that no current FCC rules require mandatory carriage of both a broadcaster’s digital and analog signal among other things.
Status:	Held in abeyance.

Name:	Warren C. Havens v. FCC
Case No:	02-1359
Court:	District of Columbia Circuit
FCC Order Description:	In re: Regionet Wireless License, LLC granted applications to provide automated maritime telecommunications system stations at various locations in the United States, 17 FCC Rcd 21263 (2002). Not docketed. FCC Order No. 02-288/02-289.
Case Description:	Havens appeals from an order affirming the staff's dismissal, on procedural grounds, of his petition for reconsideration of the grant of certain applications of Regionet Wireless License to operate AMTS stations on AMTS Channel Block B at various locations in the U.S.
Status:	Held in abeyance.

Name:	Warren C. Havens v. FCC
Case No:	03-1247
Court:	District of Columbia Circuit
FCC Order Description:	In re: amendment of Part 15 of the Commission's rules regarding spread spectrum devices, MO&O, 18 FCC Rcd 11661 (2003). FCC Docket No. ET 99-231. FCC Order No. 03-124.
Case Description:	Petitioner challenges denial of petition for reconsideration of his request that FCC delay implementation of rule changes it had adopted to allow new digital transmission technologies to operate under the same rules that govern direct sequence spread spectrum systems.
Status:	Held in abeyance.

Name:	EchoStar Satellite L.L.C. v. FCC
Case No:	04-1033
Court:	District of Columbia Circuit
FCC Order Description:	In re: implementation of Section 302 of the Telecommunications Act of 1996, et al., 18 FCC Rcd 20885 and Order on Reconsideration, 18 FCC Rcd 27059 (2003). FCC Docket No. CS 97-80 and PP 00-67. FCC Order No. 03-329.
Case Description:	Petitioner Challenges the FCC order which adopted regulations to facilitate the direct connection of digital “navigation devices” or customer premises equipment purchased from retail outlets to cable TV and other multichannel video programming distributor systems.
Status:	Held in abeyance.

Name:	Kentucky Public Radio, Inc. v. FCC
Case No:	04-1139
Court:	District of Columbia Circuit
FCC Order Description:	In re: application of Educational Media Foundation for a new educational FM translator station at New Albany, Indiana, File No. BPFT-19981021TF, Facility ID No. 91916, 19 FCC Rd 5843 (2004). Not docketed. FCC Order No. 04-68.
Case Description:	KPR appeals the grant of Educational Media Foundation’s (“EMF”) application to build an FM translator station at New Albany, IN, challenging the FCC’s conclusion that EMF’s translator would not cause actual interference with KPR’s station.
Status:	Held in abeyance.

Name:	James A. Kay, Jr., et al. v. FCC
Case No:	06-1076
Court:	District of Columbia Circuit
FCC Order Description:	In re: improving public safety communications in the 800 MHz band, 22 FCC Rcd 10467 (2007) and previous underlying orders. FCC Docket No. WT 02-55, et al. FCC Order No. 05-174, et al.
Case Description:	Petitioners challenge the FCC's decisions restructuring the 800 MHz band to reduce radiofrequency interference to public safety systems. Among other things, they claim that the decisions unfairly discriminate between similarly situated parties.
Status:	Held in abeyance.

Name:	Sprint Nextel Corporation v. FCC
Case No:	06-1278
Court:	District of Columbia Circuit
FCC Order Description:	In re: review of the spectrum sharing plan among non-geostationary satellite orbit mobile satellite service systems in the 1.6/2.4 GHz bands, 19 FCC Rcd 13356 (2004), et al. FCC Docket No. WT 03-66, et al. FCC Order No. 04-134 and 06-46.
Case Description:	Petitioner seeks review of the FCC's orders in which the FCC adopted a plan for spectrum sharing among operators in the 2495-2690 MHz bands.
Status:	Held in abeyance.

Name:	Cablevision Systems Corporation v. FCC
Case No:	07-1425
Court:	District of Columbia Circuit
FCC Order Description:	In re: implementation of the Cable Television Consumer Protection and Competition Act of 1992, et al., R&O and NPRM, 22 FCC Rcd 17791 (2007). FCC Docket No. MB 07-29 and 07-198. FCC Order No. 07-169.
Case Description:	Cablevision appeals the FCC's decision to extend by another five years its rules prohibiting exclusive contracts between vertically integrated programming vendors and their affiliated cable operators.
Status:	Oral argument held on September 22, 2009.

Name:	Tribune Company v. FCC
Case No:	07-1488
Court:	District of Columbia Circuit
FCC Order Description:	In re: shareholders of Tribune Co., and Sam Zell, et al. for consent to the transfer of control of the Tribune Co. and applications for the renewal of license of KTLA(TV), Los Angeles, 22 FCC Rcd 21266 (2007). FCC Docket No. MB 07-119. FCC Order No. 07-211.
Case Description:	Appellants challenge the FCC's denial of their request for a waiver in selected markets of the FCC's "newspaper/broadcast cross-ownership rule," which prohibits common ownership of a daily newspaper and a broadcast station in the same market.
Status:	Held in abeyance.

Name:	Alvin Lou Media, Inc. v. FCC
Case No:	08-1067
Court:	District of Columbia Circuit
FCC Order Description:	In re: Powell Meredith Communications Company, et al., MO&O on Reconsideration, File No. BNP-20000128ACC, BNP-20000201AEM, and BNP-20000201ADR, 23 FCC Rcd 619 (2008). Not docketed. FCC Order No. 08-12.
Case Description:	Petitioner challenges a Commission order relating to a dispute over an auction for a construction permit for a new AM radio station at Las Vegas, Nevada.
Status:	Petition for review denied June 26, 2009. Petition for rehearing and rehearing en banc denied August 27, 2009. Mandate issued September 8, 2009.

Name:	Comcast Corporation v. FCC
Case No:	08-1114
Court:	District of Columbia Circuit
FCC Order Description:	In re: the Commission's Cable Horizontal and Vertical Ownership Limits, et al., Fourth R&O and Further NPRM, 23 FCC Rcd 2134 (2008). FCC Docket No. MM 92-264, et al. FCC Order No. 07-219.
Case Description:	Comcast challenges the FCC's decision to reaffirm a rule that limits the number of cable subscribers for any cable operator to 30 percent of multichannel video programming subscribers nationwide.
Status:	Petition for review granted August 28, 2009. Mandate issued October 16, 2009.

Name:	National Association of Broadcasters v. FCC
Case No:	08-1135
Court:	District of Columbia Circuit
FCC Order Description:	In re: standardized and enhanced disclosure requirements for television broadcast licensee public interest obligations, et al., R&O, 23 FCC Rcd 1274 (2008). FCC Docket No. MM 00-168 and 00-44. FCC Order No. 07-205.
Case Description:	Petitioners challenge FCC rules which adopt a standardized form for the quarterly reporting of programming aired in response to issues facing a station's community and a requirement that portions of each station's public inspection file be placed on the Internet.
Status:	Held in abeyance.

Name:	National Association of State Utility Consumer Advocates v. FCC
Case No:	08-1226
Court:	District of Columbia Circuit
FCC Order Description:	In re: petition of AT&T Inc. for forbearance from enforcement of certain of the FCC's cost assignment rules, MO&O, 23 FCC Rcd 7302 (2008). FCC Docket No. 07-21, 05-342. FCC Order No. 08-120
Case Description:	NASUCA challenges the FCC's AT&T Cost Allocation Forbearance Order in which the FCC forbears from applying certain "cost assignment" rules to AT&T (e.g., re: Section 32.23-nonregulated activities; Section 32.27-transactions with affiliates).
Status:	Held in abeyance.

Name:	Rural Cellular Association, et al v. FCC
Case No:	08-1284
Court:	District of Columbia Circuit
FCC Order Description:	In the matter of high-cost universal service support Federal-State Joint Board on Universal Service; Alltel Communications, Inc., et al. Petitions for designation as eligible telecommunications carriers; 23 FCC Rcd. 8834 (May 1, 2008). FCC Docket No. WC 05-337 and CC 96-45. FCC Order No. 08-122.
Case Description:	Petitioner challenges an order that amends the FCC's rules to adopt an interim, emergency cap on the amount of high-cost support that competitive eligible telecommunications carriers may receive.
Status:	Oral argument held October 5, 2009.

Name:	Comcast Corp. v. FCC
Case No:	08-1291
Court:	District of Columbia Circuit
FCC Order Description:	In re: formal complaint of Free Press and Public Knowledge against Comcast Corp. for secretly degrading peer-to-peer applications, 2008 WL 3862114 (rel. August 20, 2008). FCC Docket No. WC 07-52. FCC Order No. 08-183.
Case Description:	Comcast took steps to terminate some "peer-to-peer" internet connections upon determining that there were too many in a given area. In the order on review, the FCC found that this violated federal policy and directed Comcast to submit a plan for compliance.
Status:	Oral argument scheduled for January 8, 2010.

Name:	Core Communications, Inc. v. FCC
Case No:	08-1365
Court:	District of Columbia Circuit
FCC Order Description:	In re: order on remand and R&O and Further NPRM (rel. November 5, 2008). FCC Docket No. 96-98, 99-68, 01-92, et al. FCC Order No 08-262.
Case Description:	Core challenges the FCC order providing legal justification for its rules governing intercarrier compensation for telecommunications traffic bound for ISPs. The order was released in response to the Court's grant of Core's Petition for Writ of Mandamus.
Status:	Oral argument held on October 16, 2009.

Name:	Iridium Satellite LLC v. FCC
Case No:	08-1374
Court:	District of Columbia Circuit
FCC Order Description:	In re: Globalstar Licensee LLC; application for modification of license for operation of ancillary terrestrial component facilities, 2008 WL 4774967 (rel. October 21, 2008). FCC Docket No. SAT-MOD-20080516ETC. FCC Order No. 08-254.
Case Description:	Petitioner challenges FCC order that modifies Globalstar's license in order to permit the use of WiMAX air interface protocol, and provide an interim waiver of certain ancillary terrestrial component ("ATC") gating criteria and technical rules.
Status:	Held in abeyance.

Name:	In re: Puerto Rico Telephone Company, Inc.
Case No:	08-1391
Court:	District of Columbia Circuit
FCC Order Description:	In re: Federal-State Joint Board on Universal Service, High-Cost Universal Service Support, NPRM, 20 FCC Rcd 19371 (2005). FCC Docket No. IB 04-286. No FCC Order.
Case Description:	Petitioner seeks a writ of mandamus to compel the FCC to adopt a universal service support mechanism for insular areas in order to fulfill its statutory mandate under Section 254(b)(3).
Status:	Held in abeyance. FCC committed to issue final order by April 16, 2010.

Name:	Feature Group IP Petition West, et al. v. FCC
Case No:	09-1070
Court:	District of Columbia Circuit
FCC Order Description:	In re: Feature Group IP petition for forbearance from Section 251(g) of the Communications Act and Sections 51.701(b)(1) and 69.5(b) of the Commission's Rules. FCC Docket No. WC 07-256. FCC Order No. 09-3.
Case Description:	Feature Group challenges the FCC's denial of its petition seeking forbearance from the application of access charges to voice-embedded Internet communications.
Status:	Held in abeyance.

Name:	Association for Maximum Service, et al. v. FCC
Case No:	09-1080
Court:	District of Columbia Circuit
FCC Order Description:	In the matter of unlicensed operation in the TV broadcast bands and additional spectrum for unlicensed devices below 900 MHz and in the 3 GHz Band. FCC Docket No. ET 04-186. FCC Order No. 08-260.
Case Description:	Petitioners challenge the FCC's decision to allow unlicensed devices to operate in the unused portion of the broadcast television spectrum (i.e., white spaces).
Status:	Held in abeyance.

Name:	Ronan Telephone Company, et al. v. FCC
Case No:	05-71995
Court:	Ninth Circuit
FCC Order Description:	In re: developing a unified intercarrier compensation regime; T-Mobile, et al. Petition for declaratory ruling regarding incumbent LEC wireless termination tariffs, 20 FCC Rcd 4855 (2005). FCC Docket No. CC01-92. FCC Order No. 05-42.
Case Description:	Petitioners seek review of the FCC's decision that incumbent local exchange carriers had been permitted to file wireless termination tariffs, and adopting new rules to prohibit that practice on a prospective basis.
Status:	Briefing stayed until March 15, 2010.

Name:	Fox Television Stations, Inc., et al. v. FCC
Case No:	06-1760-AG
Court:	Second Circuit
FCC Order Description:	In re: complaints regarding various television broadcasts between February 2, 2002 and March 8, 2005, NAL and MO&O, 21 FCC Rcd 2664 (2006). Not docketed. FCC Order No. 06-17.
Case Description:	Petitioners seek review of portions of the FCC's order, which resolved numerous indecency complaints regarding television broadcasts. Case on remand from the Supreme Court.
Status:	FCC brief filed on October 28, 2009.

Name:	Cablevision Systems Corporation v. FCC
Case No:	07-5553-AG
Court:	Second Circuit
FCC Order Description:	In the matter of petition of WRNN License Company, LLC for modification of television market of WRNN-DT, Kingston, New York, CSR-6956-A and CSR-7053-M (rel. November 29, 2007). Not docketed. FCC Order No. 07-151.
Case Description:	Petitioners challenge the FCC's affirmance of a Bureau order modifying the market of WRNN-DT, Kingston, NY to include communities served by Cablevision Systems Corp. on Long Island.
Status:	Petition for review denied June 22, 2009. Cablevision's petition for panel rehearing and for rehearing en banc denied October 29, 2009. FCC's response to Cablevision's motion to stay the mandate filed November 17, 2009.

Name:	ABC, Inc., et al. v. FCC
Case No:	08-0841-AG
Court:	Second Circuit
FCC Order Description:	In re: complaints against various television licensees concerning their February 25, 2003 broadcast of the program "NYPD Blue", File Nos. EB-03-IH-0122 and EB-03-IH-0353, 23 FCC Rcd 3147 (2008). Not docketed. FCC Order No. 08-55.
Case Description:	Petitioners challenge FCC order that imposes a forfeiture of \$27,500 each on TV stations affiliated with and owned by ABC for willfully broadcasting indecent material in an episode of "NYPD Blue" in violation of 18 U.S.C. 1464 and Section 73.3999 of the FCC's Rules.
Status:	Oral argument held February 5, 2009.

Name:	Dayton Access Television, Inc. v. FCC
Case No:	07-4467
Court:	Sixth Circuit
FCC Order Description:	In re: implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, 22 FCC Rcd 19633 (2007). FCC Docket No. MB 05-311. FCC Order No. 07-190.
Case Description:	Petitioners challenge the FCC's decision to extend a number of the rules adopted in the first Section 621 Order to applications for franchise renewals by incumbent cable operators.
Status:	Held in abeyance.

Name:	United Church of Christ Office of Communication, Inc. v. FCC
Case No:	08-3245
Court:	Sixth Circuit
FCC Order Description:	In the matter of leased commercial access, R&O and Further NPR, 23 FCC Rcd 2909 (2008). FCC Docket No. MB 07-42. FCC Order No. 07-208.
Case Description:	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.
Status:	Court stayed rules on July 25, 2008. Held in abeyance.

Name:	In re: Qwest Corp., Maine Public Utility Commission, Vermont Public Service Board, and Wyoming Public Service Commission
Case No:	09-9502
Court:	Tenth Circuit
FCC Order Description:	No docket. No FCC order.
Case Description:	Petitioners seek a writ of mandamus. They contend that the FCC has unreasonably delayed in responding to the Tenth Circuit's 2005 remand of the FCC's rules governing universal service support for non-rural telecommunications carriers.
Status:	Court denied the petition as moot on March 20, 2009. FCC has committed to issue FNPRM by December 15, 2009, and final order by April 16, 2010.

Name:	CBS Corporation, et al. v. FCC
Case No:	06-3575
Court:	Third Circuit
FCC Order Description:	In re: complaints against various TV licensees concerning their February 1, 2004 broadcast of the Super Bowl XXXVIII halftime show, 21 FCC Rcd 2760 and Order on Reconsideration, 21 FCC Rcd 6653 (2006). Not docketed. FCC Order No. 06-19 and 06-68.
Case Description:	Petitioners seek review of FCC orders which concluded that the 2004 Super Bowl halftime show was indecent in violation of federal statutes and regulations and imposed a \$550,000 forfeiture on CBS-owned television licensees. On remand from the Supreme Court.
Status:	FCC brief filed September 15, 2009.

Name:	Council Tree Communications, Inc., et al. v. FCC
Case No:	08-2036
Court:	Third Circuit
FCC Order Description:	In re: competitive bidding, 21 FCC Rcd 4753, reconsideration granted in part/denied in part, 21 FCC Rcd 6703 (2006), reconsideration denied, 23 FCC Rcd 5425 (2008) and PN, 21 FCC Rcd 5598 (2006). FCC Docket No. WT 05-211. FCC Order No. 06-52, et al.
Case Description:	Petitioners seek review of FCC orders revising the FCC's designated entity eligibility rules and the Public Notice scheduling the August 9, 2006, Advanced Wireless Services license spectrum auction.
Status:	Briefing complete. Oral argument scheduled for December 1, 2009.

Name:	Prometheus Radio Project v. FCC
Case No:	08-3078
Court:	Third Circuit
FCC Order Description:	In the matter of promoting diversification of ownership in broadcast services, 2006 Quadrennial Regulatory Review, 23 FCC Rcd 5922 (adopted December 18, 2007, rel. March 5, 2008). FCC Docket No. MB 07-294 et al. FCC Order No. 07-217.
Case Description:	Petitioner challenges changes in some FCC rules and policies on media ownership by minorities and women are arbitrary and capricious and contrary to law.
Status:	Held in abeyance

Name:	AT&T, Inc. v. FCC
Case No:	08-4024
Court:	Third Circuit
FCC Order Description:	In the matter of SBC Communications Inc. on request for confidential treatment, (September 9, 2008). Not docketed. FCC Order No. 08-207.
Case Description:	Reverse-FOIA case in which petitioner challenges FCC order, which directed the FCC's Enforcement Bureau to provide CompTel with records contained in case file no. EB-04-IH-0342 that were requested by CompTel under FOIA.
Status:	Petition for Review granted September 22, 2009. FCC's petition for rehearing before original panel and court en banc filed November 6, 2009 – denied by November 23, 2009 Order.

Name:	Radar Solutions, Ltd. d/b/a Rocky Mountain Radar, Inc. v. FCC
Case No:	09-50683
Court:	Fifth Circuit
FCC Order Description:	
Case Description:	Rocky Mountain Radar manufactures and sells radar jamming devices that are intended to disable police radar from determining the speed of a vehicle. The Enforcement Bureau determined that the devices were unlawful "intentional radiators" and imposed a \$25,000 forfeiture against Rocky Mountain. The government sued in district court to collect the forfeiture, and the district court entered judgment for the government. Rocky Mountain now appeals.
Status:	Initial Brief filed November 20, 2009. Reply Brief due December 4, 2009.

Name:	Minority Television Project, Inc. v. FCC
Case No:	09-17311
Court:	Ninth Circuit
FCC Order Description:	
Case Description:	Minority Television Project is the licensee of a non-commercial educational station in San Francisco. After the station was found to have broadcast unlawful promotional advertisements and fined \$10,000, it filed suit in district court challenging both the fine and aspects of the restrictions on promotional advertisements on public stations. The district court dismissed part of Minority's case and granted summary judgment in favor of the government on the remainder. Minority now seeks appellate review of those decisions.
Status:	Initial Brief due March 2, 2010.