

Updated: July 7, 2014

LIST OF PENDING APPELLATE CASES

Name:	Ion Media 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:	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. Petitioner Preferred Communications (No. 06-1079) Motion for Voluntary Dismissal granted May 6, 2014 (Mandate). Dispositive motions due July 14, 2014.

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:	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 07-211; MB Docket No. 07-119.
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. Stipulation of Voluntary Dismissal of Appellants Samuel Zell, et al. (No. 07-1489) granted by court order April 30, 2014.

Name:	National Association of Broadcasters v. FCC & USA
Case No:	12-1225
Court:	D.C. Circuit
FCC Order Description:	Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement for Children's Television Programming Report (FCC Form 398), FCC 12-44; MM Docket Nos. 00-44 and 00-168.
Case Description:	Petitioner challenges a Commission report and order that adopted FCC rules requiring that television stations post public files on FCC hosted website.
Status:	Held in abeyance.

Name:	Blanca Telephone Company, et al. v. FCC & USA
Case No:	12-1365
Court:	D.C. Circuit
FCC Order Description:	In The Matter of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones - - Petitions for Waiver of Section 20.19 of the Commission's Rules, FCC 08-07 and 12-89; WT Docket No. 01-309.
Case Description:	Petitioners seek review of the FCC's denial of their requests for waiver of the September 18, 2006 deadline to provide handsets that meet the FCC's hearing aid compatibility standard for inductive coupling.
Status:	Petition for Review filed August 23, 2012. Initial brief filed March 1, 2013. Final brief filed April 5, 2013. Oral argument held September 20, 2013. Petition for Review denied by Opinion February 28, 2014. Petition for Rehearing denied April 18, 2014. Mandate issued April 29, 2014.

Name:	Global Crossing Bandwidth, Inc. v. FCC & USA
Case No:	12-1482
Court:	D.C. Circuit
FCC Order Description:	In the Matter of Universal Service Contribution Methodology
Case Description:	Global Crossing challenges <i>Universal Service Contribution Methodology</i> , FCC 12-134, WC Docket No. 06-122 (rel. Nov. 5, 2012). In that Order, the FCC affirmed certain aspects of its universal service contribution methodology – specifically, the contribution obligations of a wholesale carrier. The FCC also provided guidance on the type and quality of evidence that the Universal Service Administrative Company (“USAC”) should use in evaluating a wholesale carrier’s claim that it should not be held responsible for making universal service contributions based on revenues from providing service to reseller customers.
Status:	Court order March 7, 2014 continued to hold case in abeyance and ordered parties to file motions to govern further proceedings by September 2, 2014.

Name:	Illinois Public Telecommunications Association, et al. v. FCC & USA
Case No:	13-1059
Court:	D.C. Circuit
FCC Order Description:	In re: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, FCC 13-24, CC Docket No. 96-128 (rel: Feb. 27, 2013)
Case Description:	This case challenges the Commission’s decision not to preempt the decisions of several state regulatory agencies that declined to order refunds of charges collected by LECs from payphone service providers.
Status:	Petition for Review filed March 8, 2013. Initial brief filed November 5, 2013. Final brief filed January 28, 2014. Oral argument held April 4, 2014. Petitions for Review denied in part and remainder of the petitions were dismissed for lack of jurisdiction by Opinion June 13, 2014.

Name:	Sorenson Communications Inc., et al. v. FCC & USA
Case No:	13-1122
Court:	D.C. Circuit
FCC Order Description:	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 13-13, GC Docket Nos. 13-24 and 03-123 (rel. January 25, 2013)
Case Description:	Petitioners challenge a Commission report and order that adopted interim rules governing IP CTS (Internet Protocol Captioned Telephone Service)
Status:	Petition for Review filed April 8, 2013. Initial brief filed February 5, 2014. Final brief filed March 13, 2014. Oral argument held May 13, 2014. Opinion of June 20, 2014 granted petitions for review; vacated the entire Interim Order; vacated the \$75 Rue and Default-Off Rule; and remanded for further proceedings.

Name:	Sorenson Communications, Inc. v. FCC & USA
Case No:	13-1215
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: Structure and Practices of the Video Relay Service Program - - Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 13-82; CG Docket Nos. 03-123 and 10-51.
Case Description:	Petitioner challenges a Commission report and order that adopted rules to reform VRS (Video Relay Service).
Status:	Petition for Review filed July 11, 2013. Initial brief filed December 20, 2013. Final brief filed January 28, 2014. Oral argument held March 17, 2014.

Name:	Verizon and AT&T, Inc. v. FCC & USA
Case No:	13-1220
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: Petition of USTelecom for Forbearance Under 47 U.S.C. 160(c) from Enforcement of Certain Legacy Telecommunications Regulation, FCC 13-69; WC Docket No. 12-61.
Case Description:	Verizon and AT&T seek review of the FCC's order denying in part a petition filed by US Telecomm asking for forbearance from a number of rules, including the Part 32 Uniform System of Accounts for price cap carriers.
Status:	Petition for Review filed July 15, 2013. Record filed August 30, 2013. Initial brief filed February 19, 2014. Final brief filed April 2, 2014. Oral argument scheduled for September 5, 2014.

Name:	Spectrum Five LLC v. FCC
Case No:	13-1231
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: EchoStar Satellite Operating Company – Application for Special Temporary Authority Related to Moving the EchoStar 6 Satellite from the 77° W.L. Orbital Location to the 96.2° W.L. Orbital Location, and to Operate at the 96.2° W.L. Orbital Location, FCC 13-93 (released July 9, 2013) and DA 13-593 (released April 1, 2013)
Case Description:	Spectrum Five challenges the FCC's decision to grant EchoStar's request for Special Temporary Authority to relocate one of EchoStar's satellites to another orbital location.
Status:	Notice of Appeal filed August 2, 2013. Record filed September 19, 2013. Order dated October 2, 2013 denied Appellant's Motion for Summary Reversal. FCC Final brief filed December 23, 2013. Oral argument held March 11, 2014.

Name:	Sky Television, LLC. v. FCC & USA
Case No:	13-1270
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: Assessment and Collection of Regulatory Fees for Fiscal Year 2013; Procedures for Assessment and Collection of Regulatory Fees; and Assessment and Collection of Regulatory Fees for Fiscal Year 2008, FCC 13-110; MD Docket Nos. 08-65, 12-201 and 13-140.
Case Description:	Sky Television challenges the Commission's decision to postpone, until fiscal year 2014, the effective date of its combination of regulatory fees for same-market VHF and UHF digital television stations into a single category, as set forth in Assessment and Collection of Regulatory Fees for Fiscal Year 2013, Procedures for Assessment and Collection of Regulatory Fees, Assessment and Collection of Regulatory Fees for Fiscal Year 2008, 28 FCC Rcd 12351 (2013).
Status:	Petition for Review filed October 22, 2013. Record filed December 9, 2013. Initial brief filed March 31, 2014. Final brief filed May 5, 2014.

Name:	Securus Technologies, Inc., et al. v. FCC & USA
Case No:	13-1280
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: Rates for Interstate Inmate Calling Services, FCC 13-113 (rel: September 26, 2013), WC Docket No. 12-375
Case Description:	In the order on review, the Commission required that end user rates for payphone calls placed from incarceration facilities, known as Inmate Calling Services, be based on the costs of providing service. As an interim measure to bring rates closer to costs pending receipt of additional information on which to base a permanent regime, the agency established a two-tiered rate cap pricing system that includes a "safe harbor" rate and a higher hard cap that no carrier may exceed without a waiver.
Status:	Petition for Review filed November 14, 2013. Record filed December 30, 2013. Court order January 13, 2014 granted in part & denied in part petitioners' motions for judicial stay. Motion of Petitioner PayTel Comm. (No. 14-1003) to Voluntary Dismiss its Petition for Review granted by court order April 3, 2014. Initial brief due July 21, 2014. Final brief due October 6, 2014.

Name:	Mary V. Harris Foundation v. FCC
Case No:	13-1304
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: Holy Family Communications, Inc. – For a New Noncommercial FM Station at Lancaster, New York, FCC 13-41 (rel: April 2, 2013)
Case Description:	An appeal involving the grant of a construction permit for a new noncommercial educational FM broadcast station in western NY. Appellant primarily argues that the Media Bureau was unreasonable in not granting the Foundation a dispositive “fair distribution preference” where the station would be close to, but under, the threshold set out in the rules for that preference.
Status:	Appeal filed December 13, 2013. Record filed January 30, 2014. Initial brief filed April 30, 2014. Final brief filed June 19, 2014.

Name:	Alpine PCS, Inc. v. FCC
Case No:	13-5205
Court:	D.C. Circuit
FCC Order Description:	No FCC Order
Case Description:	Appeal from a June 3, 2013 district court order in which the court dismissed Alpine’s claims.
Status:	Appeal filed July 10, 2013. Government’s brief filed November 25, 2013. Court order April 1, 2014 ordered that the court will dispose of the appeal without oral argument. Unpublished Judgment April 25, 2014 affirmed district court’s order entered on June 3, 2013. Mandate issued June 19, 2014.

Name:	In re: Patrick M. Sullivan
Case No:	14-1025
Court:	D.C. Circuit
FCC Order Description:	No FCC Order
Case Description:	Patrick M. Sullivan and Lake Broadcasting, Inc. (“LBI”) filed a petition for a writ of mandamus asking the D.C. Circuit to compel the FCC to rule on the merits of a pending application to assign an FM translator station from Sullivan to LBI. The Commission previously revoked the licenses of Michael S. Rice, the president, director, and sole shareholder of LBI, in response to his criminal conviction for child molestation and his misrepresentation and lack of candor before the agency.
Status:	Petition for A Writ of Mandamus filed February 21, 2014. FCC Response filed May 29, 2014. Reply filed June 12, 2014.

Name:	David Alan Schum v. FCC & USA
Case No:	14-1026
Court:	D.C. Circuit
FCC Order Description:	In re Applications of DFW Radio License, LLC and Bernard Dallas, LLC and Principle Broadcasting Network Dallas, LLC for Assignment of the Authorizations of Stations KFCD(AM), Farmersville, Texas and KHSE(AM), Wylie, Texas, FCC 14-3 (rel: January 22, 2014)
Case Description:	Schum contends that the Commission acted unlawfully in dismissing and otherwise denying his applications for review of the Media Bureau’s consent to the assignment of two radio station licenses from DFW Radio to Bernard Dallas, and then from Bernard Dallas to Principle Broadcasting. Schum asks the Court to vacate or reverse the Commission’s Order and to return the licenses to DFW Radio, or alternatively, require the FCC to investigate and conduct a hearing on the assignees’ qualifications to be a Commission licensee.
Status:	Petition for Review filed February 21, 2014. Case No. 14-1027 consolidated with this case. Procedural motions due July 7, 2014. Record/Dispositive motions due July 21, 2014.

Name:	FiberTower Spectrum Holdings, LLC v. FCC
Case No:	14-1039
Court:	D.C. Circuit
FCC Order Description:	In the Matter of FiberTower Spectrum Holdings LLC – Requests for Waiver, Extension of Time, or in the alternative, Limited Waiver of Substantial Service Requirements, etc., FCC 14-18 (rel: February 27, 2014)
Case Description:	FiberTower, which holds several wireless licenses, challenges a Commission order affirming a Wireless Telecommunications Bureau (WTB) decision holding that FiberTower failed to demonstrate compliance with the “substantial service requirements” in the Commission’s rules, as well as WTB’s denial of an extension of time to demonstrate substantial service.
Status:	Notice of Appeal filed March 28, 2014. Record filed May 19, 2014. Initial brief due September 12, 2014. Final brief due October 17, 2014.

Name:	Signal Above, L.L.C. v. FCC & USA
Case No:	14-1069
Court:	D.C. Circuit
FCC Order Description:	In the Matter of Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, FCC 13-126, MM Dkt. No. 03-185 (rel: Sept. 27, 2013)
Case Description:	Signal Above seeks review of the FCC’s denial of its petition requesting reconsideration of the agency’s earlier decision not to extend the Sept. 1, 2015 digital transition deadline for low power television stations.
Status:	Petition for Review filed May 5, 2014. Joint Motion to Hold Case in Abeyance granted by court order June 10, 2014. FCC is directed to file status reports at 90-day intervals beginning September 8, 2014.

Name:	National Association of Broadcasters v. FCC & USA
Case No:	14-1072
Court:	D.C. Circuit
FCC Order Description:	Public Notice, DA 14-330 - - Processing Of Broadcast Television Applications Proposing Sharing Arrangements And Contingent Interests (rel: March 12, 2014)
Case Description:	The National Association of Broadcasters seeks review of a Public Notice issued by the Media Bureau that sets forth guidelines for the processing of applications for FCC approval of broadcast television transactions involving sharing arrangements and contingent interests.
Status:	Petition for Review filed May 12, 2014. FCC's Motion to Dismiss filed May 30, 2014. Petitioner's opposition to FCC's Motion to Dismiss filed June 12, 2014. FCC's Reply filed June 23, 2014.

Name:	Percy Squire v. FCC
Case No:	14-1077
Court:	D.C. Circuit
FCC Order Description:	In the Matter of Bernard Ohio (Assignor); Educational Media Foundation (Assignee) – Application for Assignment of License for: WYLR(FM), Hubbard, Ohio; Applications for Renewal of Licenses for: WVKO(AM), Columbus, Ohio; WVKO(FM), Johnstown, Ohio; WASN(AM), Youngstown, Ohio; WYLR(FM), Hubbard, Ohio; and WGFT(AM), Campbell, Ohio, FCC 14-44 (rel: April 17, 2014)
Case Description:	Appeal of a Commission decision approving the assignment of four Ohio radio licenses by an entity alleged to have violated 47 U.S.C. 310 by using foreign capital to finance its acquisition of the licenses.
Status:	Notice of Appeal filed May 14, 2014. Record filed July 7, 2014.

Name:	Sinclair Broadcast Group, Inc. v. FCC & USA
Case No:	14-1088
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: Amendment of the Commission's Rules Related to Retransmission Consent, FCC 14-29 (rel: Mar. 31, 2014)
Case Description:	Petition for review of FCC order revising its rules to prohibit, as a violation of the statutory duty to negotiate in good faith, joint retransmission consent negotiations with multi-channel video programming distributors by television stations that are ranked among the top four stations by audience ratings in a geographic market and are not commonly owned.
Status:	Petition for Review filed May 29, 2014. Record/Dispositive motions due July 17, 2014.

Name:	Howard Stirk Holdings, LLC, et al. v. FCC & USA
Case No:	14-1090
Court:	D.C. Circuit
FCC Order Description:	In the Matter of: 2010 and 2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Promoting Diversification of Ownership in the Broadcast Services; and Rules and Policies Concerning Attribution of Joint Sales Agreements in Local Television Markets, FCC 14-28 (rel: April 15, 2104)
Case Description:	Petitioners challenge the FCC's new rule under which certain joint sales agreements between TV stations in the same market create an attributable interest for purposes of assessing compliance with the Commission's media ownership limits. Petitioners also challenge the agency's decision to defer resolution of certain issues concerning its media ownership rules until it updates the record in the Quadrennial Review proceeding.
Status:	Petition for Review filed May 30, 2014. Case Nos. 14-1091, 14-1092 and 14-1113 consolidated with this case. Motion to Transfer (to 3 rd Cir.), pending. Record/Dispositive motions due July 14, 2014.

Name:	Albert A. Nigro v. Mercantile Adjustment Bureau, LLC
Case No:	13-1362
Court:	Second Circuit
FCC Order Description:	None
Case Description:	Nigro sued a debt collector under the Telephone Consumer Protection Act for making autodialed calls to his cellular telephone without his consent. The Second Circuit asked the FCC for its views as to whether Nigro, by providing his cellular telephone number to the electric power company in arranging for the termination of service to the residence of his deceased mother-in-law, had consented to receive autodialed calls seeking the collection of his deceased mother-in-law's electric bill.
Status:	FCC as Amicus Party. Letter Brief filed June 30, 2014.

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:	National Cable & Telecommunications Association v. FCC
Case No:	08-3369
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:	Held in abeyance.

Name:	Minority Television Project, Inc. v. FCC
Case No:	09-17311
Court:	Ninth Circuit
FCC Order Description:	None
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:	En Banc opinion issued December 2, 2013 affirmed district court opinion in its entirety and upheld the constitutionality of section 399B of the Communications Act. Mandate issued January 27, 2014. Petition for Certiorari filed March 17, 2014. Government's response filed May 19, 2014. Petition for Writ of Certiorari denied June 30, 2014.

Name:	Toshiaki Saito v. FCC & USA
Case No:	14-71611
Court:	Ninth Circuit
FCC Order Description:	In the Matter of Pendleton C. Waugh, Charles M. Austin and Jay R. Bishop; Preferred Communication Systems, Inc.; and Preferred Acquisitions, Inc., DA 14-492 (rel: April 11, 2014)
Case Description:	Toshiaki Saito seeks judicial review of an Order, issued on delegated authority by the FCC's General Counsel, that denied his petition to intervene in a license revocation proceeding involving Preferred Communications, Inc. Mr. Saito, a creditor of one of Preferred's former principals, would like the Commission to revoke Preferred's licenses, auction those licenses, and use a portion of the proceeds to reimburse Mr. Saito.
Status:	Petition for Review filed June 10, 2014. FCC Motion to Dismiss filed July 3, 2014. FCC brief due September 29, 2014.

Name:	In re: FCC 11-161
Case No:	11-9900
Court:	Tenth Circuit
FCC Order Description:	In the Matter of: Connect America Fund. WC 10-90, 07-135, 05-337 and 03-109; GN 09-51; CC 01-92 and 96-45; WT 10-208. FCC 11-161
Case Description:	Petitioners challenge various aspects of an order in which the FCC comprehensively reformed its universal service and intercarrier compensation systems.
Status:	Petition for Review filed December 2, 2011. Thirty-One (31) additional petitions for review have been consolidated with this lead case. FCC filed thirteen (13) responsive briefs in February - March 2013. FCC Final briefs filed July 24 and July 29, 2013. Oral argument held November 19, 2013. All petitions for review denied by Opinion May 23, 2013. Petitions for Rehearing filed July 7, 2014