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General Docket

US Court of Appeals for the DC Circuit

D.C. Circuit Court of Appeals

Court of Appeals Docket #: 03-1414

Filed: 11/20/03

Nsuit: 0

~~US Telecom Assn, et al v. FCC, et al~~

Appeal from: Federal Communications Commission

Lower court information:

District: 0090-1 : FCC-03-284

Date Filed: **/**/**

Date order/judgment: **/**/**

Date NOA filed: **/**/**
-----Fee status: paid

Prior cases:

None

Current cases:

	Lead	Member	Start	End
Consolidated:				
	03- 1414	03- 1443	12/17/03	
Pending Consolidat.:				
	03- 1405	03- 1414	2/12/04	2/12/04
Related:				
	03- 1405	03- 1414	2/12/04	

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03-1414 US Telecom Assn, et al v. FCC, et al

UNITED STATES TELECOM
ASSOCIATION

Petitioner

Michael K. Kellogg

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[COR LD NTC ret]

Aaron M. Panner

FAX 202-326-7999

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[COR ret]

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Michael Terrence McMenamin

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[COR LD NTC ret]

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1301 East Ninth Street

ATTACHMENT

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3500
Cleveland, OH 44114-1821
216-781-2121

CENTURYTEL, INC.
Petitioner

Michael K. Kellogg
(See above)
[COR LD NTC ret]
Aaron M. Panner
(See above)
[COR ret]

v.

FEDERAL COMMUNICATIONS
COMMISSION
Respondent

John A. Rogovin
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John Edward Ingle, Deputy
Associate General Counsel
202-418-1746
Room 8-A741
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John Edward Ingle, Deputy
Associate General Counsel
(See above)
[COR LD NTC gvt]
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202-418-1740
[COR gvt]
Richard Kiser Welch, Counsel
202-418-7225
[COR gvt]
Rodger D. Citron
202-418-1748

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Federal Communications
Commission
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UNITED STATES OF AMERICA
Respondent

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INTERNET ASSOCIATION
Intervenor for Respondent

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03-1414 US Telecom Assn, et al v. FCC, et al

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Intervenor for Respondent

James Bradford Ramsay
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[COR LD NTC ret]
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T-MOBILE USA, INC.
Intervenor

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Todd D. Daubert
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202-342-8602
[COR ret]
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Kelley Drye Collier Shannon
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202-342-8400

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CENTRAL TEXAS TELEPHONE
COOPERATIVE, INC.
Intervenor for Petitioner

Michael Robert Bennet
[COR ret]
Gregory W. Whiteaker
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[COR LD NTC ret]
Rebecca L. Murphy
FAX 202-371-1558
[COR ret]
Bennet & Bennet
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THE CHAMPAIGN TELEPHONE
COMPANY
Intervenor for Petitioner

Michael Robert Bennet
(See above)
[COR ret]
Gregory W. Whiteaker
(See above)
[COR LD NTC ret]
Rebecca L. Murphy
(See above)
[COR ret]

CHARITON VALLEY TELEPHONE
CORPORATION
Intervenor for Petitioner

Michael Robert Bennet
(See above)
[COR ret]

Gregory W. Whiteaker
(See above)
[COR LD NTC ret]
Rebecca L. Murphy
(See above)
[COR ret]

COMANCHE COUNTY TELEPHONE
COMPANY, INC.
Intervenor for Petitioner

Michael Robert Bennet
(See above)
[COR ret]
Gregory W. Whiteaker
(See above)
[COR LD NTC ret]
Rebecca L. Murphy
(See above)
[COR ret]

LEACO RURAL TELEPHONE
COOPERATIVE, INC.
Intervenor for Petitioner

Michael Robert Bennet
(See above)
[COR ret]
Gregory W. Whiteaker
(See above)
[COR LD NTC ret]
Rebecca L. Murphy
(See above)
[COR ret]

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VALLEY TELEPHONE COOPERATIVE,
INC.
Intervenor for Petitioner

Michael Robert Bennet
(See above)
[COR ret]
Gregory W. Whiteaker
(See above)
[COR LD NTC ret]
Rebecca L. Murphy
(See above)
[COR ret]

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United States Telecom Association; CenturyTel, Inc.

Petitioners

v.

Federal Communications Commission; United States of America

Respondents

Cellular Telecommunications & Internet Association; Sprint Corporation; National Association of Regulatory Utility Commissioners;

Intervenor for Respondent

T-Mobile USA, Inc.;

Intervenor

Central Texas Telephone Cooperative, Inc.; The Champaign Telephone Company; Chariton Valley Telephone Corporation; Comanche County Telephone Company, Inc.; Leaco Rural Telephone Cooperative, Inc.; Valley Telephone Cooperative, Inc.

Intervenor for Petitioner

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11/20/03 PETITION FOR REVIEW CASE docketed. Petition for Review filed by Petitioner US Telecom Assn, Petitioner CentryTel Inc. [786485-1] (lvs) [03-1414]

11/20/03 STATEMENT filed by Petitioner US Telecom Assn, Petitioner CentryTel Inc pursuant to FRAP 26.1 providing corporate disclosure listing [786487-1] Certificate of Service date 11/20/03. (lvs) [03-1414]

11/21/03 EMERGENCY MOTION w/attached CERTIFICATE OF COUNSEL 28(a) (1) filed (5 copies) by Petitioners US Telecom Assn, CentryTel Inc (certificate of service dated 11/21/03, by hand/overnight delivery) for stay [786511-1]. Response due on 12/4/03. (lvs) [03-1414]

11/21/03 Letter sent Attorney Non-Member letter. Application for admission - due 1/20/04 for Stacey W. Goff. Documents sent: letter aty appl for adm [786516-1]. (lvs) [03-1414]

11/21/03 STATEMENT filed by Intervenor for Respondent Cell Telecom pursuant to FRAP 26.1 providing corporate disclosure listing [786569-1] Certificate of Service date 11/21/03. (lvs) [03-1414]

11/21/03 NONPARTY MOTION filed (5 copies) (certificate of service dated 11/21/03, by hand/overnight delivery) to allow to intervene in support of the respondents [786666-1]. Motion filed by Movant-Intervenor Sprint Corp. (lvs) [03-1414]

11/21/03 STATEMENT filed by Movant-Intervenor-Respondent Sprint Corp pursuant to FRAP 26.1 providing corporate disclosure listing [786674-1] Certificate of Service date 11/21/03. (lvs) [03-1414]

11/21/03 NONPARTY MOTION filed (5 copies) (certificate of service dated 11/21/03, by mail) to allow to intervene [786681-1].

Motion filed by Movant-Intervenor-Respondent Natl Assn Regu Util. (lvs) [03-1414]

- 11/21/03 STATEMENT filed by Movant-Intervenor-Respondent Natl Assn Regu Util pursuant to FRAP 26.1 providing corporate disclosure listing [786684-1] Certificate of Service date 11/21/03. (lvs) [03-1414]
- 11/21/03  PER CURIAM ORDER filed [786702]. Upon consideration of the emergency motion for a stay pending review [786511-1], it is ORDERED, on the court's own motion, that the Federal Communications Commission hand-deliver and hand-file a response to the motion by 4:00 p.m., Wednesday, November 26, 2003. Petitioners must hand-deliver and hand-file any reply by 4:00 p.m., Tuesday, December 2, 2003. [Entry Date: 11/21/03] (jlp) [03-1414]

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- 11/21/03 MOTION (styled "notice of intention to intervene") filed (5 copies) (certificate of service dated 11/21/03) to allow to intervene [787514-1] in support of respondent . Motion filed by Cell Telecom (mam) [03-1414]
- 11/26/03  CLERK'S ORDER filed [787600] granting non-party motion to intervene filed by Sprint Corp [786666-1] granting non-party motion to intervene filed by Natl Assn Regu Util [786681-1] granting non-party motion to intervene filed by Cell Telecom [787514-1] . [Entry Date: 11/26/03] (mam) [03-1414]
- 11/26/03 OPPOSITION filed [787601-1] (5 copies) by Intervenor for Respondent Cell Telecom (certificate of service dated 11/26/03) to a motion stay case [786511-1] . (mam) [03-1414]
- 11/26/03 OPPOSITION filed [787604-1] (5 copies) by Respondent FCC (certificate of service by mail dated 11/26/03) to a motion stay case [786511-1] . (mam) [03-1414]
- 11/26/03 OPPOSITION lodged [787605-1] (5 copies) by Intervenor for Respondent Sprint Corp (certificate of service by hand and mail dated 11/26/03) to a motion stay case [786511-1] . (mam) [03-1414]
- 11/26/03 MOTION filed (5 copies) by Intervenor for Respondent Sprint Corp (certificate of service by hand (all parties except Century Tel) and mail (Century Tel) dated 11/26/03) for leave to file [787606-1] a response [787605-1]. (mam) [03-1414]
- 11/26/03 MOTION filed (5 copies) (certificate of service dated 11/26/03) to allow to intervene [788251-1] . Motion filed by T Mobile USA Inc (mam) [03-1414]
- 11/26/03 STATEMENT filed by Movant-Intervenor T Mobile USA Inc pursuant to FRAP 26.1 providing corporate disclosure

listing [788252-1] Certificate of Service date 11/26/03 (mam)
[03-1414]

11/26/03 OPPOSITION lodged [788342-1] (5 copies) by
Movant-Intervenor T Mobile USA Inc (certificate of service
by mail dated 11/26/03) to a motion stay case [786511-1] .
(mam) [03-1414]

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12/1/03  CLERK'S ORDER filed [788021] directing Petitioner to file
[788021-1] : docketing statement due 12/31/03 for US
Telecom Assn ; certificate of counsel due 12/31/03 for US
Telecom Assn ; statement of issues due 12/31/03 for US
Telecom Assn ; any procedural motions due 12/31/03 for US
Telecom Assn ; deferred appendix notice due 12/31/03 for US
Telecom Assn ; any dispositive motions due 1/15/04 for US
Telecom Assn. Directing Respondent to file [788021-2] : any
procedural motions due 12/31/03; entry of appearance form
due 1/15/04 due for USA, FCC; certified index to the record
due 1/15/04 for FCC; any dispositive motions due 1/15/04
for USA, FCC. [Entry Date: 12/1/03] (lvs) [03-1414]

12/2/03 REPLY filed [789558-1] (5 copies) by Petitioner US Telecom
Assn, Petitioner CentryTel Inc (certificate of service
dated 12/2/03) to motion for stay (mam) [03-1414]

12/4/03  CLERK'S ORDER filed [789176] granting non-party motion to
intervene filed by T Mobile USA Inc [788251-1] . [Entry
Date: 12/4/03] (mam) [03-1414]

12/4/03  CLERK'S ORDER filed [789178] granting motion leave to file
opposition filed by Sprint Corp [787606-1] and directing
Clerk to file the lodged opposition [787605-1]. [Entry
Date: 12/4/03] (mam) [03-1414]

12/4/03 PER ABOVE ORDER lodged opposition [787605-1] is filed.
(mam) [03-1414]

12/4/03  PER CURIAM ORDER filed [789182] denying motion stay case
[786511-1] filed by US Telecom Assn, CentryTel Inc . .
Before Judges Randolph, Tatel, Garland . [Entry Date:
12/4/03] (mam) [03-1414]

12/4/03 ENTRY OF APPEARANCE filed by Attorney Catherine G.
O'Sullivan for Respondent USA [789187-1] . (mam)
[03-1414]

12/17/03  CLERK'S ORDER filed [791926] to consolidate cases
[791926-1], directing Petitioner to file [791926-2] :
docketing statement due 1/16/04 for Natl Telecom Coop in
03-1443 ; statement of issues due 1/16/04 for Natl Telecom
Coop in 03-1443 ; . [Entry Date: 12/17/03] [03-1414,
03-1443] (lme) [03-1414 03-1443]

12/24/03 ENTRY OF APPEARANCE filed by Attorney Theodore Case

Whitehouse for Intervenor for Respondent Cell Telecom in
03-1414, David Michael Don for Intervenor for Respondent
Cell Telecom in 03-1414 [794278-1] . (mam) [03-1414]

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12/30/03 ENTRY OF APPEARANCE filed by Attorney Joel Marcus for Respondent FCC in 03-1414, John Edward Ingle for Respondent FCC, Respondent FCC in 03-1414, John A. Rogovin for Respondent FCC in 03-1414, Joel Marcus for Respondent FCC in 03-1443, John Edward Ingle for Respondent FCC in 03-1443, John A. Rogovin for Respondent FCC in 03-1443 [793988-1] . [03-1414, 03-1443] (wmw) [03-1414 03-1443]

1/5/04 INITIAL SUBMISSIONS lodged by Petitioners US Telecom Assn in CentryTel Inc in 03-1414 [796118-1]: docketing statement; statement of issues; certificate of counsel; deferred appendix notice (Deferred Appendix = y). (lvs) [03-1414]

1/5/04 MOTION filed (5 copies) by Petitioners US Telecom Assn, CentryTel Inc in 03-1414 (certificate of service dated 1/5/04, by mail) for leave to file [796120-1] Lodged petitioners initial submissions [796118-1]. (lvs) [03-1414]

1/12/04  CLERK'S ORDER filed [796123] of petitioners' (United States Telecom Association and CenturyTel) motion for leave to file initial submissions out of time, it is ORDERED that the motion be granted [796120-1] in 03-1414. The Clerk is directed to file the lodged documents [796118-1] 03-1414. [Entry Date: 1/12/04] [03-1414, 03-1443] (lvs) [03-1414 03-1443]

1/12/04 PER ABOVE ORDER lodged petitioners' initial submissions [796118-1] filed. (lvs) [03-1414]

1/14/04 MOTION (styled "emergency motion for expedited review") filed (5 copies) by Petitioners Natl Telecom Coop and Orgn Promotion Advn in 03-1443 (certificate of service by hand dated 1/14/04) to expedite case [797078-1]. Response due on 1/27/04. (mam) [03-1443]

1/15/04  PER CURIAM ORDER filed [797432] Directing parties to file the following regarding the motion expedite case [797078-1] : FCC's response, due on 1/21/04 by 9:00am : any reply due on 1/22/04 by 12:00 noon. Papers to be hand delivered and hand filed. [Entry Date: 1/15/04] (mam) [03-1443]

1/16/04 OPPOSITION filed [797716-1] (5 copies) by Respondent FCC in 03-1443 (certificate of service by hand (petitioner) and by mail (other parties) dated 1/16/04) to a motion expedite case [797078-1] . (mam) [03-1443]

1/16/04 INITIAL SUBMISSIONS filed by Respondent FCC in 03-1414 [798487-1] : certified index to the record. (wmw) [03-1414]

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1/21/04 REPLY filed [798909-1] (5 copies) by Petitioners Natl Telecom Coop and Orgn Promotion Advn in 03-1443 (certificate of service dated 1/21/04) to a response to the motion expedite case [797078-1] . (mam) [03-1443]

1/23/04  PER CURIAM ORDER filed [799028] denying motion expedite case [797078-1] filed by Natl Telecom Coop and Orgn Promotion Advn in 03-1443. Before Judges Sentelle, Rogers, Garland . [Entry Date: 1/23/04] [03-1414, 03-1443] (mam) [03-1414 03-1443]

1/28/04 SECOND Letter sent Attorney Non-Member letter. Application for admission - due 3/1/04 for Stacey W. Goff. Documents sent: letter aty appl for adm [799743-1]. (lvs) [03-1414]

2/12/04  CLERK'S ORDER TO SHOW CAUSE filed [802909] directing parties to show cause why following briefing format should not apply: joint brief for petitioners, 14,000 wds; respondents' brief, 14,000 wds; joint brief for intervenors in support of respondents, 8,750 wds; joint reply brief, 7,000 wds; deferred appendix; final briefs. Answer due 3/15/04. [Entry Date: 2/12/04] [03-1414, 03-1443] (mam) [03-1414 03-1443]

2/12/04  CLERK'S ORDER filed [802917] that 03-1405 and 03-1414 et al. be scheduled for oral argument on same day before same panel [802917-1]. [Entry Date: 2/12/04] [03-1405, 03-1414, 03-1443] (mam) [03-1405 03-1414 03-1443]

2/13/04 JOINT MOTION lodged (5 copies) (certificate of service dated 2/13/04, by mail) to allow to intervene [805104-1]. Motion submitted by Movant-Intervenor Ctrl TX Tele Coop, Champaign Tele Co, Chariton Valley Tele, Comanche Cty Tele Co, Leaco Rural Tele, Valley Tele Coop Inc in 03-1414. (lvs) [03-1414]

2/13/04 NOTICE filed of intention to participate as amicus curiae [806933-1] by US Sm Bus Admin in 03-1443 . Certificate of service date 2/13/04 . Note: this notice was withdrawn on 6/9/04. (lme) [03-1443]

2/13/04 MOTION filed (5 copies) by Movant-Intervenor Ctrl TX Tele Coop, Champaign Tele Co, Chariton Valley Tele, Comanche Cty Tele Co, Leaco Rural Tele, Valley Tele Coop Inc in 03-1414 (certificate of service dated 2/13/04) for leave to file [807625-1] LODGED non-party motion to intervene [805104-1]. (lvs) [03-1414]

2/13/04 STATEMENT filed by Intervenor Ctrl TX Tele Coop, Champaign Tele Co, Chariton Valley Tele, Comanche Cty Tele Co, Leaco Rural Tele, Valley Tele Coop Inc in 03-1414 pursuant to FRAP 26.1 providing corporate disclosure listing [808061-1]. Certificate of Service date 2/13/04. (lvs)

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[03-1414]

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CLERK'S ORDER filed [807631] granting the joint motion for

leave to file filed by Intervenor Ctrl TX Tele Coop, Champaign Tele Co, Chariton Valley Tele, Comanche Cty Tele Co, Leaco Rural Tele, Valley Tele Coop Inc [807625-1] in 03-1414. The Clerk is directed to file the lodged joint motion for leave to intervene [805104-1]. The joint non-party motion to intervene [805104-1] is granted. [Entry Date: 3/5/04] [03-1414, 03-1443] (lvs) [03-1414 03-1443]

3/5/04

PER ABOVE ORDER lodged non-party motion to intervene [805104-1] in 03-1414 is filed. [03-1414, 03-1443] (lvs) [03-1414 03-1443]

3/15/04

ANSWER filed [809930-1] (5 copies) by Intervenor Ctrl TX Tele Coop, Champaign Tele Co, Chariton Valley Tele, Comanche Cty Tele Co, Leaco Rural Tele and Valley Tele Coop Inc in 03-1414 (certificate of service by mail dated 3/15/04) 'to the order to show cause concerning briefing format [802909-1]. [03-1414] (Note: intervenors' notice of intent to support petitioner, ID 809935 contained in this document). (mam) [03-1414]

3/15/04

NOTICE OF INTENT filed by Intervenor Ctrl TX Tele Coop, Champaign Tele Co, Chariton Valley Tele, Comanche Cty Tele Co, Leaco Rural Tele and Valley Tele Coop Inc in 03-1414 advising their support of petitioner . Certificate of service date 3/15/04. Note: this document also contains intervenors' answer to otsc concerning briefing format, ID 809930. . (mam) [03-1414]

3/15/04

ANSWER filed [809954-1] (5 copies) by Intervenor for Respondent Cell Telecom, Sprint Corp, Natl Assn Regu Util and T Mobile USA Inc in 03-1414 (certificate of service by mail dated 3/15/04) to a clerk order to show cause concerning briefing format [802909-1]. [03-1414] (mam) [03-1414]

3/18/04

NOTICE filed by Amicus Curiae US Sm Bus Admin in 03-1443 advising their support of petitioner . Certificate of service date 3/18/04 . (mam) [03-1443]

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4/7/04



CLERK'S ORDER filed [814558] discharging clerk order to show cause concerning briefing format [802909-1] in 03-1414 and 03-1443 and setting the following briefing format: joint

brief for petitioners, 14,000 wds; joint brief for intervenors in support of petitioners, 6,250 wds; brief for amicus curiae in support of petitioners, 2,500 wds; respondent's brief, 14,000 wds; separate briefs for intervenor NARUC and the remaining intervenors in support of respondent, not to exceed an aggregate of 8,750 wds to be apportioned as respondent intervenors see fit; joint reply brief for petitioners, 7,000 wds; joint reply brief for intervenors in support of petitioners, 3,125 wds; deferred appendix; final briefs. Allotment of words for briefs of petitioner/intervenors and amicus curiae is without prejudice to seeking an enlargement if the allotted words prove to be insufficient. Parties will be notified by separate order of the briefing schedule, oral argument date and composition of the merits panel. . [Entry Date: 4/7/04] [03-1414, 03-1443] (mam) [03-1414 03-1443]

4/7/04



CLERK'S ORDER filed [814559] establishing the initial briefing schedule [814559-1] : Petitioner's brief due on 5/25/04 in 03-1414, in 03-1443 ; Intervenor supportg Petitioner's brief due 6/9/04 in 03-1414 ; Amicus Curiae's brief due on 6/9/04 in 03-1443 ; Respondent's brief due on 7/9/04 in 03-1414, in 03-1443 ; Intervenor supportg Respondent's brief due 7/26/04 in 03-1414 ; Petitioner's reply brief due on 8/9/04 in 03-1414, in 03-1443 ; Intervenor support Petitioner's reply brief 8/9/04 in 03-1414 ; Deferred appendix due on 8/16/04 in 03-1414 ; Final briefs due on 8/30/04 in 03-1414, in 03-1443. [Entry Date: 4/7/04] [03-1414, 03-1443] (mam) [03-1414 03-1443]

5/4/04

MOTION filed (5 copies) by Amicus Curiae for Petitioner US Sm Bus Admin in 03-1443 (certificate of service by mail dated 5/4/04) to exceed the word limits [820666-1] on a brief. (mam) [03-1443]

5/5/04

RESPONSE (styled "memorandum in support of amicus curiae Small Business Administration's Office of Advocacy's motion for enlargement") filed [820822-1] (5 copies) by Petitioners Natl Telecom Coop and Orgn Promotion Advn in 03-1443 (certificate of service by mail dated 5/5/04) to a motion exceed word limits [820666-1]. (mam) [03-1443]

5/10/04



CLERK'S ORDER filed [821243] to schedule oral argument [821243-1] before Judge Initials: DBS ARR MBG on 11/18/04 9:30 AM . [Entry Date: 5/10/04] [03-1414, 03-1443] (cwc) [03-1414 03-1443]

5/11/04

SUPPLEMENT (in letter form advising of position of Cellular Telecom on motion: no opposition) to [821554-1] motion exceed word limits [820666-1] filed by Amicus Curiae for Petitioner US Sm Bus Admin in 03-1443 . (mam)

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[03-1443]

5/13/04

MOTION lodged (5 copies) (certificate of service by mail

dated 5/11/04) to allow amicus curiae [822119-1]. Motion submitted by Movant-AmicusCuriae-Petitioner Hot Springs Tele Co in 03-1443, Movant-AmicusCuriae-Petitioner Ronan Tele Co in 03-1443 (mam) [03-1443]

5/13/04

STATEMENT filed by Movant-AmicusCuriae-Petitioner Hot Springs Tele Co in 03-1443, Movant-AmicusCuriae-Petitioner Ronan Tele Co in 03-1443 pursuant to FRAP 26.1 providing corporate disclosure listing [822122-1], pursuant to FRAP 26.1 providing corporate disclosure listing [822122-2] Certificate of Service date 5/11/04 (attached to motion to participate as amicus) (mam) [03-1443]

5/25/04



PER CURIAM ORDER filed [824023] granting in part motion exceed word limits filed by US Sm Bus Admin [820666-1] in 03-1443. Amicus Curiae US Small Business Administration may file brief not to exceed 5,000 wds. Other provisions of the court's 4/7/04 orders establishing the briefing format and the briefing schedule remain in effect. Before Judges Sentelle, Randolph, Garland . [Entry Date: 5/25/04] [03-1414, 03-1443] (mam) [03-1414 03-1443]

5/25/04

BRIEF filed by Petitioner US Telecom Assn in 03-1414, Petitioner CentryTel Inc in 03-1414, Petitioner Natl Telecom Coop in 03-1443, Petitioner Orgn Promotion Advn in 03-1443 [824362-1] . Copies: 7 . Certificate of service date 5/25/04 . [03-1414, 03-1443] (lme) [03-1414 03-1443]

5/26/04



CLERK'S ORDER filed [824187] granting motion for leave to file a late motion to participate as amicus curiae; Directing Clerk to file the lodged motion [823189-1] filed by Hot Springs Tele Co and Ronan Tele Co [822119-1]; Granting motion for leave to file an amicus curiae brief; The brief of amicus curiae is due by 6/9/04. [824187-1] [Entry Date: 5/26/04] [03-1443, 03-1414] (cwc) [03-1414 03-1443]

5/26/04

PER ABOVE ORDER lodged non-party motion to allow amicus [822119-1] in 03-1443 is filed. [03-1443, 03-1414] (cwc) [03-1414 03-1443]

6/9/04

NOTICE filed by Amicus Curiae for Petitioner US Sm Bus Admin in 03-1443 to withdraw [827578-1] their notice intention to participate as amicus curiae [806933-1], Certificate of service date 6/9/04 . (mam) [03-1443]

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6/9/04

BRIEF filed by Intervenor for Petitioner Ctrl TX Tele Coop in 03-1414, Intervenor for Petitioner Champaign Tele Co in 03-1414, Intervenor for Petitioner Chariton Valley Tele in 03-1414, Intervenor for Petitioner Comanche Cty Tele Co in 03-1414, Intervenor for Petitioner Leaco Rural Tele in 03-1414, Intervenor for Petitioner Valley Tele Coop Inc in 03-1414 [828347-1] . Copies: 7 . Certificate of service date 6/9/04 . (lme) [03-1414]

6/9/04 FINAL BRIEF filed by Amicus Curiae for Petitioner Hot Springs Tele Co in 03-1443, Amicus Curiae for Petitioner Ronan Tele Co in 03-1443 [828412-1] . Copies: 14 . Certificate of service date 6/8/04 . (lme) [03-1443]

6/18/04 NOTICE filed by Intervenor for Respondent Cellular Telecommunications & Internet Association in No. 03-1414 advising of their change of address [832587-1]. Certificate of mail service dated 6/18/04. [03-1414, 03-1443] (jth) [03-1414 03-1443]

7/13/04 BRIEF filed by Respondent FCC in 03-1414, Respondent USA in 03-1414, Respondent FCC in 03-1443, Respondent USA in 03-1443 [836124-1] . Copies: 7 . Certificate of service date 7/9/04. [03-1414, 03-1443] (lme) [03-1414 03-1443]

7/26/04 BRIEF filed by Intervenor for Respondent Cell Telecom in 03-1414, Intervenor for Respondent Sprint Corp in 03-1414, Intervenor T Mobile USA Inc in 03-1414 [839069-1]. Copies: 14. Certificate of service date 7/26/04. (lme) [03-1414]

7/28/04 MOTION (styled "consent motion for leave to dispense with reproduction of docket entries in joint appendix") filed (5 copies) by Petitioners US Telecom Assn et al. in 03-1414 and Natl Telecom Coop et al. in 03-1443 (certificate of service by mail dated 7/28/04) concerning contents of appendix [839333-1]. [03-1414, 03-1443] (mam) [03-1414 03-1443]

8/4/04  CLERK'S ORDER filed [840410] granting motion for leave to dispense with reproduction of docket entries in the joint appendix filed by US Telecom Assn, Natl Telecom Coop [839333-1] in 03-1414, 03-1443 . [Entry Date: 8/4/04] [03-1414, 03-1443] (cwc) [03-1414 03-1443]

8/9/04 REPLY BRIEF filed by Intervenor for Petitioner Ctrl TX Tele Coop in 03-1414, Intervenor for Petitioner Champaign Tele Co in 03-1414, Intervenor for Petitioner Chariton Valley Tele in 03-1414, Intervenor for Petitioner Comanche Cty Tele Co in 03-1414, Intervenor for Petitioner Leaco Rural Tele in 03-1414, Intervenor for Petitioner Valley Tele Coop Inc in 03-1414 [841847-1] . Copies: 7 . Certificate of service date 8/9/04 . (lme) [03-1414]

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8/9/04 REPLY BRIEF filed by Petitioner CentryTel Inc in 03-1414, Petitioner US Telecom Assn in 03-1414, Petitioner Natl Telecom Coop in 03-1443, Petitioner Orgn Promotion Advn in 03-1443 [841900-1] . Copies: 7 . Certificate of service date 8/9/04 . [03-1414, 03-1443] (lme) [03-1414 03-1443]

8/16/04 JOINT APPENDIX filed by Respondent FCC in 03-1414, Respondent USA in 03-1414, Respondent FCC in 03-1443, Respondent USA in 03-1443 [842947-1] . Copies: 10 . Certificate of service date 8/16/04 . [03-1414, 03-1443]

(lme) [03-1414 03-1443]

8/26/04 FINAL BRIEF filed by Intervenor for Respondent Cell Telecom in 03-1414, Intervenor for Respondent Sprint Corp in 03-1414, Intervenor T Mobile USA Inc in 03-1414 [846577-1] . Copies: 14 . Certificate of service date 8/26/04 . (lme) [03-1414]

8/30/04 FINAL BRIEF filed by Petitioner US Telecom Assn in 03-1414, Petitioner CentryTel Inc in 03-1414, Petitioner Natl Telecom Coop in 03-1443, Petitioner Orgn Promotion Advn in 03-1443 [846459-1]. Copies: 14. Certificate of service date 8/30/04. [03-1414, 03-1443] (lme) [03-1414 03-1443]

8/30/04 FINAL REPLY BRIEF filed by Intervenor for Petitioner Ctrl TX Tele Coop in 03-1414, Intervenor for Petitioner Champaign Tele Co in 03-1414, Intervenor for Petitioner Chariton Valley Tele in 03-1414, Intervenor for Petitioner Comanche Cty Tele Co in 03-1414, Intervenor for Petitioner Leaco Rural Tele in 03-1414, Intervenor for Petitioner Valley Tele Coop Inc in 03-1414 [846484-1]. Copies: 14. Certificate of service date 8/30/04. (lme) [03-1414]

8/30/04 FINAL REPLY BRIEF filed by Petitioner US Telecom Assn in 03-1414, Petitioner CentryTel Inc in 03-1414, Petitioner Natl Telecom Coop in 03-1443, Petitioner Orgn Promotion Advn in 03-1443 [846508-1] . Copies: 14 . Certificate of service date 8/30/04 . [03-1414, 03-1443] (lme) [03-1414 03-1443]

8/30/04 FINAL BRIEF filed by Intervenor for Petitioner Ctrl TX Tele Coop in 03-1414, Intervenor for Petitioner Champaign Tele Co in 03-1414, Intervenor for Petitioner Chariton Valley Tele in 03-1414, Intervenor for Petitioner Comanche Cty Tele Co in 03-1414, Intervenor for Petitioner Leaco Rural Tele in 03-1414, Intervenor for Petitioner Valley Tele Coop Inc in 03-1414 [846517-1] . Copies: 14 . Certificate of service date 8/30/04 . (lme) [03-1414]

9/1/04 FINAL BRIEF filed by Respondent FCC in 03-1414, Respondent USA in 03-1414, Respondent FCC in 03-1443, Respondent USA in 03-1443 [846449-1] . Copies: 14 . Certificate of service date 8/27/04 . [03-1414, 03-1443] (lme) [03-1414 03-1443]

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11/8/04

PER CURIAM ORDER filed [858522] to allocate oral argument times: APET minutes- 15 ERES minutes- 15. [858522-1], one counsel per side to argue. [858522-2] Oral argument scheduled for 11/18/04, Form 72 notice of attorney arguing case - [858522-3] due 11/12/04. [Entry Date: 11/8/04] [03-1414, 03-1443] (cwc) [03-1414 03-1443]

11/9/04

FORM 72 filed by Attorney Joel Marcus on behalf of appellee FCC [858941-1] [858941-2] . [03-1414, 03-1443] (set) [03-1414 03-1443]

11/12/04 FORM 72 filed by Attorney Aaron M. Panner on behalf of petitioner US Telecom Association [859407-1] [859407-2] . [03-1414, 03-1443] (set) [03-1414 03-1443]

11/12/04 LETTER filed by Petitioners US Telecom Assn, et al. pursuant to FRAP 28j advising of additional authorities [859493-1] . Certificate of service date 11/12/04 . [03-1414, 03-1443] (cwc) [03-1414 03-1443]

11/16/04 LETTER filed by Respondent FCC in response to 11/12/04 letter filed pursuant to FRAP 28j advising of additional authorities [860060-1] . Certificate of service date 11/16/04 . [03-1414, 03-1443] (cwc) [03-1414 03-1443]

11/18/04 ORAL ARGUMENT HELD before Sentelle, Randolph, Garland . [03-1414, 03-1443] (set) [03-1414 03-1443]

11/18/04 ORAL ARGUMENT HELD before Sentelle, Randolph, Garland . [03-1414, 03-1443] (rs) [03-1414 03-1443]

3/11/05 JUDGMENT that the petitions for review are denied in part, granted in part, and remanded for the purpose of preparing a final regulatory flexibility analysis for the reasons in the accompanying opinion. Before Judges Sentelle, Randolph, Garland. [Entry Date: 3/11/05] [03-1414, 03-1443] (mcm) [03-1414 03-1443]

3/11/05 OPINION filed [883217] (28 pgs) for the Court by Judge Garland [03-1414, 03-1443] (mcm) [03-1414 03-1443]

3/11/05  CLERK'S ORDER filed [883218] The Clerk is directed to withhold issuance of the mandate [883218-1] pending disposition of any timely petition for rehearing. [Entry Date: 3/11/05] [03-1414, 03-1443] (mcm) [03-1414 03-1443]

5/12/05 MANDATE ISSUED to FCC [893752-1]. [03-1414, 03-1443] (mcm) [03-1414 03-1443]

7/11/05 MOTION filed (5 copies) by Petitioner Orgn Promotion Advn in 03-1443 (certificate of service by mail dated 7/11/05) for attorney fees [905946-1]. (mam) [03-1443]

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7/20/05 MOTION filed (5 copies) by Respondent FCC (certificate of service dated 7/20/05) to extend time to file [910898-1] a response to the motion for attorney fees [905946-1] until 8/8/05 . [03-1443, 03-1414] (lej) [03-1414 03-1443]

8/8/05 OPPOSITION lodged [911934-1] (5 copies) by Respondent FCC (certificate of service dated 8/8/05) to a motion for attorney fees [905946-1] . 03-1443 [03-1443, 03-1414] (lej) [03-1414 03-1443]

8/11/05  CLERK'S ORDER filed [911957] granting motion extend time [910898-1] Directing Clerk to file response to the

application for attorneys' fees [911934-1] [Entry Date:
8/11/05] [03-1414, 03-1443] (lej) [03-1414 03-1443]

8/11/05 Per Above Order lodged response [911934-1] [03-1414,
03-1443] (lej) [03-1414 03-1443]

8/26/05  PER CURIAM ORDER filed [915007] denying the motion for
attorney fees [905946-1] filed by Orgn Promotion Advn. (SEE
ORDER FOR DETAILS) Before Judges Sentelle, Randolph,
Garland [Entry Date: 8/26/05] (mcm) [03-1443]

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PACER Service Center			
Transaction Receipt			
02/06/2008 15:00:14			
PACER Login:	bs2099	Client Code:	100-168
Description:	dkt report	Case Number:	03-1414
Billable Pages:	19	Cost:	1.52