

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 08-4024AT&T Inc. v. Federal Communications Commission
(FCC 08-207)**ORDER**

The above-captioned petition for review and motion for stay pending judicial review were filed in this Court on September 26, 2008. Petitioner seeks review of a decision of the Federal Communications Commission denying an application for review. Under 28 U.S.C. § 2343, the proper venue is in the judicial circuit in which petitioner has its principal office or in the United States Court of Appeals for the District of Columbia Circuit. See 28 U.S.C. § 2343. The parties are hereby ORDERED to address this Court's authority to review the decision. The parties should specifically address whether incorporation in the State of Delaware is sufficient to establish venue in this Circuit. See also Kelly v. United States Steel Corporation, 284 F.2d 850 (3d Cir. 1960). Written responses addressing this issue and any responses to the motion for stay pending judicial review must be filed and served on or before October 6, 2008.

For the Court,

/s/ Marcia M. Waldron
ClerkDated: September 29, 2008
tmk/cc: Colin S. Stretch
Matthew Berry
Catherine G. O'Sullivan
Nancy C. Garrison