

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
September 30, 2002
THOMAS K. KAHN
CLERK

No. 98-6222

FCC Docket No. 97-151-CS

GULF POWER COMPANY;
ALABAMA POWER COMPANY, et al.,

Petitioners,

versus

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES,

Respondents.

No. 98-6414

FCC Docket No. 97-151-CS

COMMONWEALTH EDISON COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF
AMERICA,

Respondents.

No. 98-6430

FCC Docket No. 97-151-CS

POTOMAC ELECTRIC POWER COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES,

Respondents.

No. 98-6431

FCC Docket No. 97-151-CS

TEXAS UTILITIES ELECTRIC COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES,

Respondents.

No. 98-6442

FCC Docket No. 97-151-CS

UNION ELECTRIC COMPANY, d.b.a. AMERENUE,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES,

Respondents.

No. 98-6458

FCC Docket No. 97-151-CS

AMERICAN ELECTRIC POWER SERVICES CORPORATION,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES,

Respondents.

No. 98-6476

FCC Docket No. 97-151

DUKE ENERGY CORPORATION,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES,

Respondents.

No. 98-6477

FCC Docket No. 97-151

VIRGINIA ELECTRIC and POWER COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES,

Respondents.

No. 98-6478

FCC Docket No. 97-151

CAROLINA POWER & LIGHT COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES,

Respondents.

No. 98-6485

FCC Docket No. 97-151

DUQUESNE LIGHT COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES,

Respondents.

No. 98-6486

FCC Docket No. 97-151

DUQUESNE LIGHT COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES,

Respondents.

No. 98-2589

FCC Docket No. 97-151

TAMPA ELECTRIC COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES,

Respondents.

No. 98-4675

FCC Docket No. 98-20

FLORIDA POWER & LIGHT COMPANY,

Petitioner,

versus

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES,

Respondents.

Petitions for Review of Orders
of the Federal Communications Commission

(September 30, 2002)

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before TJOFLAT, CARNES and GARWOOD*, Circuit Judges.

PER CURIAM:

In Gulf Power Co. v. FCC, 208 F.3d 1263 (11th Cir. 2000), we considered an attack on the FCC's 1998 regulations, Report and Order, 13 F.C.C.R. 6777, 1998 WL 46987, promulgated pursuant to the 1996 amendments to the Pole Attachment Act, 47 U.S.C. § 244(f) (Supp. II 1996). We held that the facial

*Honorable Will L. Garwood, U.S. Circuit Judge for the Fifth Circuit, sitting by designation.

validity of the rent formula developed by the FCC was not ripe for review, but that the FCC lacked statutory authority to regulate the wireless carriers and the provision of the Internet service under the 1996 Act. Gulf Power, 208 F.3d at 1279. The Supreme Court reversed and remanded the latter determination. See National Cable & Telecommunications Association, Inc. v. Gulf Power Co., 534 U.S. 327, 122 S. Ct. 882, 151 L. Ed. 794 (2002). Accordingly, the FCC Order is reinstated.

SO ORDERED.