

In Supreme Court, WRF Preserves Major Victory for National Wireless Industry Coalition

October 17, 2006

On October 16, 2006, the United States Supreme Court denied certiorari in the first test of state authority under 47 U.S.C. § 332 to regulate wireless industry rates and practices. An industry coalition led by litigators at Wiley Rein & Fielding had prevailed before the United States Court of Appeals for the Eighth Circuit, which entered a permanent injunction preventing enforcement of the unlawful state law.

The Minnesota Attorney General, joined by 36 other state Attorneys General, the Association for the Advancement of Retired Persons (AARP) and the National Association of State Utility Consumer Advocates (NASUCA), sought certiorari in the Supreme Court. Wiley Rein & Fielding partner Helgi C. Walker, assisted by associate Megan L. Brown, spearheaded the effort on behalf of the wireless industry to oppose certiorari and preserve the Eighth Circuit's opinion.

The Supreme Court's denial of certiorari brings to a close this critical litigation over the scope of Section 332 and represents a major victory for wireless consumers and the wireless industry.

The case is *Mike Hatch v. Celco Partnership et al.*, (Supreme Court No. 05-1159, Eighth Circuit No. 04-3198, District Court No. 04-2981).

View related documents:

Opinion of the Eighth Circuit.

WRF's opposition brief and supplemental brief.

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Supplemental brief filed by Attorney General Hatch.

Petition for writ of certiorari.