

Today the United States Court of Appeals, District of Columbia Circuit, overturned the Federal Communications Commission (FCC) decision known as the Triennial Review Order. The following statement on the decision can be attributed to Timothy Hay, President of the National Association of State Utility Consumer Advocates (NASUCA) and Consumer Advocate for the State of Nevada:

“Given the D.C. Circuit’s 2002 ruling in *USTA v. FCC*, it comes as no surprise that the Court has overturned the FCC’s controversial Triennial Review Order. The Court’s decision, however, once again throws consumers, the industry and regulators into a morass of uncertainty, and puts at risk the meager competitive gains in local telephone service seen by residential and small business consumers in the last two years. NASUCA strongly urges the FCC to appeal the Circuit Court decision to the United States Supreme Court for a final word on these crucial issues.”

“The Circuit Court also found that NASUCA lacks standing to represent consumer interests in federal court. The grounds cited by the Court were not raised by any party to the appeal, contradict the very purpose for which NASUCA was created, and would deny consumers representation in federal court. NASUCA is reviewing its options on this specific issue crucial to consumers.”

For more information or additional comment from NASUCA, please contact Charles Acquard, Executive Director of NASUCA at (301) 589-6313 or David Bergmann, Chair of the NASUCA Telecommunications Committee at (614) 466-8574.

About the National Association of State Utility Consumer Advocates (NASUCA):

The National Association of State Utility Consumer Advocates (NASUCA) is a non-profit, national association organized in 1979, whose members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. NASUCA members operate independently from state utility commissions, primarily as advocates for residential ratepayers, although some members also represent small business ratepayers.