

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

U S WEST, INC.,

Petitioner,

v.

No. 98-9518

FEDERAL COMMUNICATIONS
COMMISSION; UNITED STATES OF
AMERICA,

Respondents,

AIRTOUCH COMMUNICATIONS,
INC. (AIRTOUCH); SPRINT
CORPORATION; AT&T
CORPORATION; SBC
COMMUNICATIONS, INC. (SBC);
SOUTHWESTERN BELL TELEPHONE
COMPANY; PACIFIC BELL; NEVADA
BELL; MCI TELECOMMUNICATIONS
CORPORATION; COMPETITIVE
TELECOMMUNICATIONS
ASSOCIATION; COMPETITION
POLICY INSTITUTE; BELLSOUTH
CORPORATION; FRONTIER
CORPORATION,

Intervenors.

SOFTWARE & INFORMATION
INDUSTRY ASSOCIATION; THE
ELECTRONIC PRIVACY
INFORMATION CENTER; THE
AMERICAN CIVIL LIBERTIES
UNION; THE CENTER FOR MEDIA
EDUCATION; COMPUTER
PROFESSIONALS FOR SOCIAL
RESPONSIBILITY; CONSUMER
ACTION; CONSUMER FEDERATION
OF AMERICA; INTERNATIONAL
COMMUNICATIONS
ASSOCIATIONS; JUNKBUSTERS;
MEDIA ACCESS PROJECT; PRIVACY
RIGHTS CLEARINGHOUSE;
PRIVATE CITIZEN, INC.; U.S. COLO.
AND N.M. PUBLIC INTEREST
RESEARCH GROUP; UTILITY
CONSUMER ACTION NETWORK;
AND 22 LAW PROFESSORS AND
PRIVACY SCHOLARS,

Amici Curiae.

ORDER

Filed November 30, 1999

Before **PORFILIO, ANDERSON, TACHA, BALDOCK, BRORBY, EBEL,
KELLY, HENRY, BRISCOE, LUCERO** and **MURPHY**, Circuit Judges* .

* Chief Judge Seymour is recused in this matter and did not participate in consideration of the rehearing petitions.

The petitions for rehearing are denied by the panel that rendered the decision.

The suggestions for rehearing en banc were transmitted to all of the judges of the court who are in regular active service as required by Fed. R. App. P. 35. A poll was requested and denied by a majority of the judges. Judges Brorby, Henry, Briscoe, Lucero, and Murphy voted in favor of en banc review.

Entered for the Court
PATRICK FISHER, Clerk of Court

By:

Deputy Clerk