

Per Curiam

PUBLIC SERVICE COMMISSION OF MARYLAND v.
CHESAPEAKE & POTOMAC TELEPHONE
COMPANY OF MARYLANDCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FOURTH CIRCUIT

No. 84-1362. Argued January 13, 1986—Decided May 27, 1986

748 F. 2d 879, vacated and remanded.

Kirk J. Emge argued the cause and filed briefs for petitioner.

Jack D. Smith argued the cause for the Federal Communications Commission as *amicus curiae* urging reversal. With him on the brief were *Acting Solicitor General Fried*, *Deputy Solicitor General Wallace*, *Christopher J. Wright*, *Daniel M. Armstrong*, and *Jane E. Mago*.

D. Michael Stroud argued the cause for respondent. With him on the brief were *J. William Sarver*, *Mark J. Mathis*, and *Daniel I. Prywes*.*

PER CURIAM.

We vacate the judgment of the Court of Appeals for the Fourth Circuit and remand for further proceedings consist-

*A brief of *amici curiae* urging reversal was filed for the State of California et al. by *Janice E. Kerr*, *J. Calvin Simpson*, *Mark E. Fogelman*, *Ellen S. LeVine*, *Joseph I. Lieberman*, Attorney General of Connecticut, *William B. Gundling*, *Peter J. Jenkelunas*, and *Phyllis E. Lemell*, Assistant Attorneys General, *Howard C. Davenport*, *William S. Bilenky*, *Philip Stoffregen*, *Patrick Nugent*, *William Paul Rodgers, Jr.*, *Jack Shreve*, *Stephen L. Skipper*, *Robert Waldrum*, *Joseph G. Donahue*, *William E. Furber*, *John K. Keane, Jr.*, *Frank J. Kelley*, Attorney General of Michigan, *Louis J. Caruso*, Solicitor General, *Don L. Keskey* and *Leo H. Friedman*, Assistant Attorneys General, *Lynda S. Mounts*, *Brian Moline*, *Ellyn Elise Crutcher*, *Michael R. Fontham*, and *Marshall B. Brinkley*.

A brief of *amici curiae* urging affirmance was filed for American Telephone and Telegraph Co. et al. by *Michael Boudin*, *Thomas J. Reiman*, *Vincent L. Grosso*, *W. Preston Granbery*, and *John B. Messenger*.

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ent with the opinion in *Louisiana Public Service Comm'n v. FCC*, ante, p. 355.

It is so ordered.

JUSTICE POWELL and JUSTICE O'CONNOR took no part in the consideration or decision of this case.