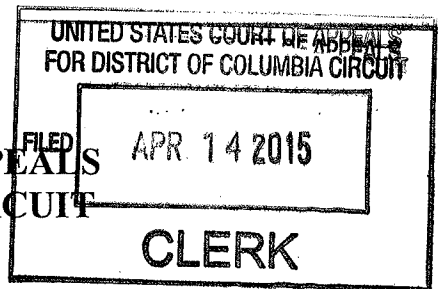


APR 14 2015

RECEIVED

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT



CTIA – THE WIRELESS ASSOCIATION<sup>®</sup>,

*Petitioner,*

v.

FEDERAL COMMUNICATIONS COMMISSION  
and UNITED STATES OF AMERICA,

*Respondents.*

No. 15-1091

**PETITION FOR REVIEW**

Pursuant to 5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Federal Rule of Appellate Procedure 15(a), CTIA – The Wireless Association<sup>®</sup> (“CTIA”) hereby petitions this Court for review of an order of the Federal Communications Commission (“Commission”). *See* Report and Order on Remand, Declaratory Ruling, and Order, *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, FCC 15-24 (released Mar. 12, 2015) (“*Order*”). CTIA is providing an electronic copy of the *Order* on compact disc with this petition. The new regulations in the *Order* were published in the Federal Register on April 13, 2015. *See* 80 Fed. Reg. 19,738. Venue is proper, at a minimum, under 28 U.S.C. § 2343.

After this Court vacated and remanded the Commission’s previous attempt at Internet regulation in *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014), the

Commission initiated a rulemaking proceeding and ultimately issued the *Order* under review. *Order* ¶¶ 7, 10. That *Order* purports to reclassify broadband Internet access service as a Title II telecommunications service and also to reclassify wireless broadband Internet access service as a commercial mobile radio service, or its functional equivalent, and therefore subject to common carrier regulation under Title II for that reason as well.

CTIA seeks review of the *Order* on the grounds that it is arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; violates federal law, including, but not limited to, the Constitution, the Communications Act of 1934, as amended, and Commission regulations promulgated thereunder; conflicts with the notice-and-comment rulemaking requirements of 5 U.S.C. § 553; and is otherwise contrary to law.

CTIA respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the *Order*, and that it provide such additional relief as may be appropriate.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Kellogg", is written over a horizontal line.

Michael K. Kellogg

Scott H. Angstreich

KELLOGG, HUBER, HANSEN, TODD,

EVANS & FIGEL, P.L.L.C.

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*Counsel for Petitioner CTIA – The  
Wireless Association<sup>®</sup>*

April 14, 2015

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CTIA – THE WIRELESS ASSOCIATION<sup>®</sup>,

*Petitioner,*

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FEDERAL COMMUNICATIONS COMMISSION  
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*Respondents.*

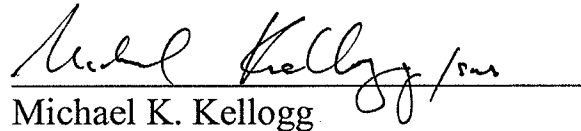
No. \_\_\_\_\_

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and this Court’s Rule 26.1, CTIA – The Wireless Association<sup>®</sup> (“CTIA”) respectfully submits the following corporate disclosure statement.

CTIA (formerly known as the Cellular Telecommunications & Internet Association) is a Section 501(c)(6) not-for-profit corporation organized under the laws of the District of Columbia and represents the wireless communications industry. Members of CTIA include service providers, manufacturers, wireless data and Internet companies, and other industry participants. CTIA has not issued any shares or debt securities to the public, and CTIA has no parent companies, subsidiaries, or affiliates that have issued any shares or debt securities to the public.

Respectfully submitted,

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Michael K. Kellogg

Scott H. Angstreich

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*Counsel for Petitioner CTIA – The  
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April 14, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 14, 2015, I caused one copy of the foregoing  
Petition for Review and Corporate Disclosure Statement to be served on the  
following counsel by the manner indicated:

*By First Class Mail and  
Electronic Mail*

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General Counsel  
Federal Communications  
Commission  
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*By First Class Mail*

Eric H. Holder, Jr.  
Attorney General  
United States Department of Justice  
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\_\_\_\_\_  
Michael K. Kellogg