

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

APR 17 2015

RECEIVED

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

STAMP & RETURN
UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
APR 17 2015
CLERK

CENTURYLINK,)
)
Petitioner,)
)
v.)
)
FEDERAL COMMUNICATIONS COMMISSION)
and UNITED STATES OF AMERICA,)
)
Respondents.)

Case No. 15-1099

PETITION FOR REVIEW

Pursuant to 5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Federal Rule of Appellate Procedure 15(a), CenturyLink¹ hereby petitions this Court for review of the order of the Federal Communications Commission (“FCC”) captioned *In re Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, GN Docket No. 14-28, FCC 15-24 (rel. Mar. 12, 2015) (“Order”). The Order was published in the Federal Register on April 13, 2015. 80 Fed. Reg. 19738. A copy of the Order is attached. Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

In early 2014, the FCC opened a rulemaking aimed at reinstating “open Internet” rules of the type that this Court had invalidated in *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014). The Order it adopted reverses FCC precedent by holding that broadband Internet access service is a “telecommunications service” as that term is defined by the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.* The Order applies a host of specific mandates to broadband Internet access, through both the application of provisions found in Title II of the

¹ The CenturyLink companies participating in this filing are CenturyLink, Inc. and its wholly-owned subsidiaries.

2015 APR 17 P 1:00
OFFICE OF GENERAL COUNSEL

Communications Act and the adoption of new, broadband-specific rules. The Order also holds, for the first time, that a broadband Internet service provider's interconnection arrangements with third-party networks are subject to certain Title II requirements.

CenturyLink seeks review of the Order on the grounds that it is arbitrary, capricious, an abuse of discretion, beyond the scope of the FCC's statutory authority, in violation of the United States Constitution, incompatible with the notice and comment rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. § 553, and otherwise contrary to law.

CenturyLink respectfully requests that the Court hold unlawful, vacate, enjoin, and set aside the Order, and that it provide any additional relief as may be appropriate.

Dated: April 17, 2015

Respectfully submitted,

Timothy Boucher
CENTURYLINK
1099 New York Avenue, N.W.
Suite 250
Washington, DC 20001
(303) 992-5751



David H. Solomon
Counsel of Record
Russell P. Hanser
WILKINSON BARKER KNAUER, LLP
2300 N Street, N.W.
Suite 700
Washington, DC 20037
(202) 783-4141

Counsel for Petitioner CenturyLink

APR 17 2015

RECEIVED

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

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
APR 17 2015
CLERK

CENTURYLINK,
Petitioner,
v.
FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,
Respondents.

Case No. 15-____

15-1099

CORPORATE DISCLOSURE STATEMENT


Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Cir. Rule 26.1, CenturyLink states as follows:

The CenturyLink companies participating in this petition for review are CenturyLink, Inc. (a publicly traded company) and its wholly owned subsidiaries. CenturyLink, Inc. owns subsidiaries that provide broadband Internet access and other communications services (e.g. voice, broadband, and video) to consumers and businesses. Among the subsidiaries owned by CenturyLink, Inc. are regulated incumbent local exchange carriers. CenturyLink's local exchange carriers provide local exchange telecommunications and other communications services in 37 states, including broadband Internet access. Another subsidiary is CenturyLink Communications, LLC, which provides intrastate and interstate communications services, both domestically and internationally, including broadband Internet access. CenturyLink, Inc. has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

Dated: April 17, 2015

Respectfully submitted,

Timothy Boucher
CENTURYLINK
1099 New York Avenue, N.W.
Suite 250
Washington, DC 20001
(303) 992-5751



David H. Solomon
Counsel of Record
Russell P. Hanser
WILKINSON BARKER KNAUER, LLP
2300 N Street, N.W.
Suite 700
Washington, DC 20037
(202) 783-4141

Counsel for Petitioner CenturyLink

CERTIFICATE OF SERVICE

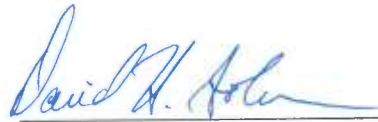
I hereby certify that on April 17, 2015, I caused one copy of the foregoing Petition for Review and accompanying Corporate Disclosure Statement to be served on the following counsel by the manner indicated:

By Hand and Electronic Mail

Jonathan Sallet
General Counsel
Federal Communications Commission
Room 8-A741
445 12th Street, S.W.
Washington, DC 20554
Jonathan.Sallet@fcc.gov

By First Class Mail

Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530



David H. Solomon
Wilkinson Barker Knauer, LLP
2300 N Street, N.W.
Suite 700
Washington, DC 20037

U.S. Court of Appeals
District of Columbia Circuit
Office of the Clerk
333 Constitution Avenue, N.W.
Washington, DC 20001

Qty	Description	Extend
1.00	Filing Fee: Pet. for Re	500.00
	Filing Fee: Petition for Review	
	Modifier 10: 510000-\$200.00	
	Modifier 11: 086900-\$100.00	
	Modifier 12: 086400-\$200.00	
	Subtotal	500.00
	Total	\$500.00
	Cheque	\$500.00

Paid \$500.00, Change \$0.00

Receipt# 6272

Order# 72

Products: 1.00

Date: 4/17/2015, 11:54 AM

Cashier: Mark

15-1099

Wilkinson Barker Knauer, LLP
2300 N Street, NW - Suite 700
Washington, D.C. 20037