

ORIGINAL

APR 24 2015

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

WIRELESS INTERNET SERVICE)
PROVIDERS ASSOCIATION,)

Petitioner,)

v.)

FEDERAL COMMUNICATIONS)
COMMISSION and UNITED STATES)
OF AMERICA,)

Respondents.)

Case No. 15-1117

ORIGINAL

PETITION FOR REVIEW

The Wireless Internet Service Providers Association (“WISPA”) hereby petitions this Court for review of the Report and Order on Remand, Declaratory Ruling, and Order issued by the Federal Communications Commission (“FCC”) in *In the Matter of Protecting and Promoting the Open Internet*, GN Docket No. 14-28, FCC 15-24 (rel. Mar. 12, 2015), 80 Fed. Reg. 19,738 (publ. Apr. 13, 2015) (“Open Internet Order”). A copy of the Open Internet Order is contained on the included CD-ROM as Exhibit A.

This Court has jurisdiction under 28 U.S.C. § 2342(1) and venue is proper in this Court under 28 U.S.C. § 2343.

WISPA is a non-profit trade association composed of small and medium-sized companies that provide fixed wireless broadband Internet access service across the country. WISPA represents its members before Congress and regulatory agencies such as the FCC, and it actively participated in the FCC’s proceeding leading to adoption of the Open Internet Order. WISPA’s members will be directly and adversely affected by the FCC’s Open Internet Order. Among other things, the Order reclassifies broadband Internet access service as a “telecommunications

service” subject to common carrier regulation under Title II of the Telecommunications Act of 1996, 47 U.S. §§ 201 *et seq.* The FCC declared that it would forbear from applying many provisions of Title II to broadband Internet access service, but would not forbear from applying other sections of Title II. Open Internet Order ¶¶ 51-57, ¶ 456. Those provisions impose significant new regulatory requirements and unavoidable costs on WISPA members, the overwhelming majority of which have never been subject to Title II regulation of any sort. The Order also imposes general conduct rules that are subject to case-by-case adjudication. *Id.* ¶¶ 20-21.

WISPA seeks relief from the FCC’s Open Internet Order on the grounds that it is arbitrary, capricious, and an abuse of discretion, in excess of the FCC’s statutory authority, contrary to the Constitution, and otherwise not in accordance with law. WISPA requests that the Court hold unlawful, vacate, enjoin and set aside the Open Internet Order and grant any other necessary and proper relief.

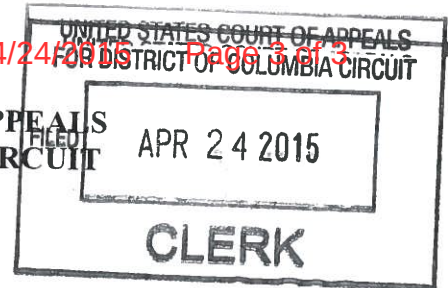
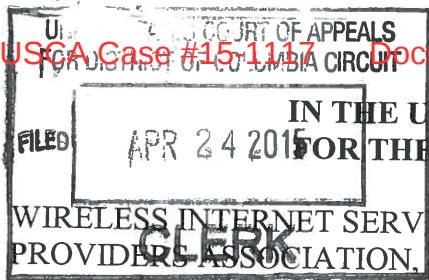
Respectfully submitted,



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April 24, 2015



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CERTIFICATE OF SERVICE

I, Stephen E. Coran, hereby certify that a copy of the foregoing Petition for Review and Corporate Disclosure Statement has been served via hand delivery this 24th day of April, 2015, upon each of the following parties:

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April 24, 2015