

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

ALAMO BROADBAND INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION

and

UNITED STATES OF AMERICA,

Respondents.

Case No. 15-1078 and
consolidated cases

ALAMO BROADBAND INC.'S STATEMENT OF ISSUES TO BE RAISED

Alamo Broadband Inc. submits the following non-binding statement of issues to be raised in the above-captioned case.

In the order under review, the Federal Communications Commission (“FCC”) reversed decades of precedent and reclassified broadband Internet access services as telecommunications services subject to common carrier regulation under Title II of the Communications Act of 1934; asserted authority for the first time to regulate the terms on which broadband Internet access service providers interconnect with other Internet Protocol (“IP”) networks; and adopted a series of prophylactic rules, including an ill-defined future “conduct standard,” prohibitions on blocking and throttling of Internet traffic, a ban on paid prioritization

arrangements, and an enhanced transparency rule. As legal authority to impose these new rules on wireline broadband Internet access service providers, the FCC relied upon Section 706 of the Telecommunications Act of 1996 and various provisions of Title II of the Communications Act of 1934.

Alamo Broadband intends to raise the following issues on appeal:

1. Whether the specific rules the FCC adopted, including its no blocking, no throttling, and no paid prioritization rules, as well as its Internet conduct standard and the enhanced transparency rule, exceed the agency's authority under Section 706 of the Telecommunications Act and Title II of the Communications Act, are arbitrary and capricious, or otherwise contrary to law; and
2. Alamo Broadband incorporates by reference issues 1 and 2 in the United States Telecom Association's Statement of Issues in Case No. 15-1063.

Respectfully submitted,

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Counsel for Alamo Broadband Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on May 4, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

s/ Brett A. Shumate

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Counsel for Alamo Broadband Inc.