

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

CENTURYLINK,

Petitioner

v.

FEDERAL COMMUNICATIONS
COMMISSION,

and the UNITED STATES OF AMERICA

Respondents.

Case No. 15-1099
(and consolidated cases)

MOTION FOR LEAVE TO INTERVENE

Pursuant to 28 U.S.C. § 2348, 47 U.S.C. § 402(e), Rule 15(d) of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15(b), the Independent Telephone & Telecommunications Alliance (“ITTA”) hereby moves for leave to intervene as of right in the above-captioned appeal. Pursuant to D.C. Circuit Rule 15(b), ITTA understands that its motion to intervene in this case will also be deemed a motion to intervene in the cases *United States Telecom Association v. FCC*, D.C. Circuit Case No. 15-1063, *Alamo Broadband Inc., v. FCC*, D.C. Circuit Case No. 15-1078, *United States Telecom Association v. FCC*, D.C. Circuit Case No. 15-1086, *National Cable & Telecommunications Association v. FCC*, D.C. Circuit Case No. 15-1090, *CTIA – The Wireless Association v. FCC*, D.C. Circuit Case No. 15-1091, *AT&T Inc. v. FCC*, D.C. Circuit Case No. 15-1092, and *American Cable Association v. FCC*, D.C. Circuit Case No. 15-1095, because all of the foregoing cases concern direct review of the same agency order.

On April 17, 2015, Petitioner CenturyLink filed a Petition for Review of the final order of the Federal Communications Commission (“FCC” or “Commission”) captioned *In the Matter of 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*”). In the *Order*, the Commission reversed FCC precedent by reclassifying broadband Internet access service as a “telecommunications service” as defined by the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*, and applying a host of specific mandates to such service pursuant to Title II of the Communications Act and other provisions. The *Order* was published in the *Federal Register* on April 13, 2015. 80 Fed. Reg. 19738.

ITTA actively participated in the *Protecting and Promoting the Open Internet* proceeding and represents members who would be adversely affected if the *Order* is sustained. ITTA is thus a “party in interest in the proceeding” entitled to intervene “as of right” in this matter. 28 U.S.C. § 2348; 47 U.S.C. § 402(e).

ITTA therefore respectfully requests that this Court grant its motion for leave to intervene in support of Petitioner CenturyLink.

Respectfully submitted,

By: /s/ Genevieve Morelli
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May 12, 2015

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CERTIFICATE AS TO PARTIES

Pursuant to D.C. Circuit Rule 27(a)(4) and D.C. Circuit Rule 28(a)(1)(A), the Independent Telephone & Telecommunications Alliance (“ITTA”) hereby certifies the following:

In Case No. 15-1099, the Petitioner is CenturyLink and the Respondents are the Federal Communications Commission and the United States of America. Movant ITTA seeks leave to appear in this matter as an Intervenor. No *amici* have appeared before this Court.

In Case No. 15-1063, the Petitioner is the United States Telecom Association and the Respondents are the Federal Communications Commission and the United States of America.

In Case No. 15-1078, the Petitioner is Alamo Broadband Inc. and the Respondents are the Federal Communications Commission and the United States of America.

In Case No. 15-1086, the Petitioner is the United States Telecom Association and the Respondents are the Federal Communications Commission and the United States of America.

In Case No. 15-1090, the Petitioner is the National Cable & Telecommunications Association and the Respondents are the Federal Communications Commission and the United States of America.

In Case No. 15-1091, the Petitioner is CTIA – The Wireless Association and the Respondents are the Federal Communications Commission and the United States of America.

In Case No. 15-1092, the Petitioner is AT&T Inc. and the Respondents are the Federal Communications Commission and the United States of America.

In Case No. 15-1095, the Petitioner is the American Cable Association and the Respondents are the Federal Communications Commission and the United States of America.

Respectfully submitted,

By: /s/ Genevieve Morelli

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May 12, 2015

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, the Independent Telephone & Telecommunications Alliance (“ITTA”) submits the following corporate disclosure statement.

ITTA is a not-for-profit membership association created under the laws of the District of Columbia. Its members are telecommunications carriers that provide wireline and wireless voice, broadband, and video services to consumers throughout the United States. ITTA’s members have no ownership interest in ITTA. As a “trade association” within the meaning of D.C. Circuit Rule 26.1, no listing need be made in this Statement of the names of any ITTA members that have issued shares or debt securities to the public.

ITTA is not a nongovernmental corporate party, but rather, is a non-stock, non-profit association that has no parent corporation. No publicly-held company has a 10% or greater ownership interest in ITTA.

Respectfully submitted,

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May 12, 2015

CERTIFICATE OF SERVICE

I, Genevieve Morelli, hereby certify that, on May 12, 2015, I electronically filed the foregoing **Motion for Leave to Intervene, Certificate as to Parties, and Corporate Disclosure Statement** with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system.

I certify further that I have directed that copies of the foregoing documents be served by electronic service via CM/ECF or by U.S. Mail, as indicated, to the persons identified below.

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