

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

UNITED STATES TELECOM
ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES
OF AMERICA,

Respondents.

Case No. 15-1063 (and
consolidated cases)

**MOTION OF MEETUP, INC. FOR LEAVE TO INTERVENE
IN SUPPORT OF RESPONDENTS**

Meetup, Inc. (“Meetup”) hereby moves to intervene in these consolidated appeals¹ in support of Respondents Federal Communications Commission (the “FCC”) and the United States of America pursuant to Federal Rules of Appellate Procedure 15(b). In the alternative, Meetup respectfully requests that the Court treat this motion as a notice of intention to intervene pursuant to 47 U.S.C.

¹ Pursuant to D.C. Circuit Rule 15(b), a motion to intervene in a case concerning “direct review of an agency action will be deemed a motion to intervene in all cases before this court involving the same agency action or order, including later filed cases.” Accordingly, this motion to intervene shall serve as a motion to intervene in each of the consolidated cases. *See* Docket Nos. 15-1078, 15-1086, 15-1089, 15-1090, 15-1091, 15-1092, 15-1095, 15-1099, 15-1117, and 15-1128.

§ 402(e).²

In support of its motion, Meetup states as follows:

1. Meetup is the world’s largest network of local community groups, enabling people across the country and the world to find an existing group or start a new group. Meetup has over 20 million members, and more than 160,000 Meetup groups, all organized around the things that matter the most in people’s lives.

2. Petitioners in these consolidated cases—broadband Internet access carriers and their trade associations—challenge the FCC’s final order titled *Protecting and Promoting the Open Internet* (the “Order”), 80 Fed. Reg. 19,737 (Apr. 13, 2015). In that Order, the FCC established rules to protect and promote the open Internet by, among other things, prohibiting carriers from blocking, throttling, and charging “prioritization” fees for Internet traffic passing through their networks between consumers and “edge providers”—providers of Internet services and applications at the edge of the Internet’s networks. *See id.* at 19,738.

3. Meetup is an edge provider that would be adversely affected if the Order were vacated or modified in a way that provided less protection for Internet traffic traveling through carrier networks. As an edge provider, Meetup relies

² In accordance with that statute, Meetup has attached a verified statement attesting to its interest in these appeals.

upon broadband Internet access carriers to reach its consumers. Meetup would be disadvantaged if broadband Internet access carriers were permitted to block, throttle, or charge fees for traffic between Meetup and its users or to otherwise discriminate on the basis of content.

4. Meetup actively participated in the FCC rulemaking process below by advocating for the adopted rules. Representatives from Meetup met with FCC staff throughout the process; this included a meeting held on July 15, 2014, with Chairman Wheeler and several other New York-based technology companies. In addition, Meetup filed comments and participated in *ex parte* letters.³

5. Based upon the foregoing facts, Meetup has a material interest in these appeals and is therefore entitled to intervene as of right. *See* 47 U.S.C. § 402(e) (“Any person who would be aggrieved or whose interest would be adversely affected by a reversal or modification of the order . . . shall be considered an interested party.”); 28 U.S.C. § 2348 (any entity “whose interests are affected by [an] order of [a federal] agency, may intervene in any proceeding to

³ *See, e.g., In the Matter of Promoting the Open Internet*, GN Dkt. No. 14-28, Comments of Meetup, Inc. (July 14, 2014), <http://apps.fcc.gov/ecfs/document/view?id=7521382127>; Ltr. from Marvin Ammori to Marlene H. Dortch, Sec., FCC (May 6, 2014), <http://apps.fcc.gov/ecfs/document/view?id=7521114565> (describing meeting between FCC staff and representatives of Kickstarter, Inc., Meetup, Inc., Tumblr, Inc., NY Tech Meetup, and Engine Advocacy).

review the order”); *Yakima Valley Cablevisions, Inc. v. FCC*, 794 F.2d 737, 744-45 (D.C. Cir. 1986) (granting intervention to parties “directly affected” by FCC order); Fed. R. App. P. 15(d).

6. Meetup’s motion is timely as it is filed within 30 days after the most recent timely-filed petition in these consolidated appeals.⁴ *See* 47 U.S.C. § 402(e); D.C. Circuit R. 15(b).

Meetup respectfully requests that this Court grant its motion for leave to intervene in these appeals in support of Respondents Federal Communications Commission and the United States.

⁴ The most recently-filed petition (No. 15-1128) was filed on May 7, 2015. This motion is also filed within 30 days of the earliest timely petition (No. 15-1086), which was filed on April 13, 2015, the date the Order was published in the Federal Register. The petitions filed before the Order’s publication (Nos. 15-1063 and 15-1078) are incurably premature. *See Consumer Elec. Ass’n v. FCC*, 347 F.3d 291, 296-97 (D.C. Cir. 2003).

Dated: May 12, 2015

Respectfully submitted,

/s/ Seth D. Greenstein

Seth D. Greenstein

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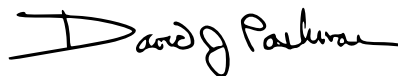
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VERIFIED STATEMENT OF INTEREST BY MEETUP, INC

I, David J. Pashman, hereby declare and state the following:

1. I am General Counsel of Meetup, Inc.
2. I hereby certified under penalty of perjury that the factual statements

in numbered paragraphs 1-6 of Meetup, Inc.'s Motion to Intervene in Support of Respondents are true and correct to the best of my knowledge.



David J. Pashman

Dated: May 12, 2015
New York, New York

CERTIFICATE AS TO PARTIES

Pursuant to D.C. Circuit Rules 27(a)(4) and 28(a)(1)(A), Meetup, Inc. certifies that the parties, intervenors, and amici appearing before this Court are listed in Petitioner United States Telecom's Certificate as to Parties, Ruling, and Related Cases dated April 23, 2015 and as set forth below:

The Petitioner in Case No. 15-1117 is the Wireless Internet Service Providers Association; the Respondents are the FCC and the United States of America.

The Petitioner in Case No. 15-1128 is Daniel Berninger; the Respondents are the FCC and the United States of America.

Pursuant to the instant motion and motions filed concurrently herewith, the following entities seek intervenor status: Etsy Inc., Kickstarter Inc., Meetup, Inc., Tumblr, Inc., Union Square Ventures, LLC, and Vimeo, LLC.

Dated: May 12, 2015

Respectfully submitted,

/s/ Seth D. Greenstein

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, Meetup, Inc. states that it (a) is a for-profit corporation incorporated under the laws of the State of Delaware with its principal place of business in New York, New York; (b) has no parent company and no publicly-held corporation owns 10% or more of its stock; and (c) is a provider of an Internet-based service that hosts a network of local community groups and provides tools for organizers of those groups.

Dated: May 12, 2015

Respectfully submitted,

/s/ Seth D. Greenstein

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Attorneys for Meetup, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2015, I caused this Motion of Meetup, Inc. to Intervene in Support of Respondents to be served by filing with the CM/ECF system of the United States Court of Appeal for the D.C. Circuit.

/s/ Seth D. Greenstein

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