

Remand, Declaratory Ruling, and Order, FCC 15-24 (rel. Mar. 12, 2015) (“*Order on Remand*”). The *Order on Remand* classifies broadband Internet access services (“BIAS”) as telecommunications services and adopts carefully tailored rules designed to prohibit BIAS providers from interfering with the delivery of traffic over their telecommunications networks—including through blocking, throttling, and paid prioritization arrangements—pursuant to the FCC’s authority under Titles II and III of the Communications Act and Section 706 of the Telecommunications Act.³

Netflix is eligible to intervene in this proceeding.⁴ The FCC’s rules address threats to the open Internet by, among other things, prohibiting BIAS providers from interfering with an individual’s ability to access Netflix’s video service. Specifically, the FCC’s rules prohibit a BIAS provider from engaging in harmful practices at the point at which an Internet content provider such as Netflix interconnects with a BIAS provider’s network to deliver content requested by the BIAS provider’s customer. The rules also prohibit a BIAS provider from interfering with the delivery of requested content over the BIAS provider’s “last mile” network. The rules will ensure that consumers and businesses can access a

³ 47 U.S.C. § 1302(a).

⁴ Intervention is permitted under Fed. R. App. P. 15(d) for parties “directly affected by” the order at issue. *Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 744-45 (D.C. Cir. 1986).

competitive ecosystem of online content, applications, and services. Netflix actively participated in the FCC proceeding below.⁵ Through its intervention in this dispute, Netflix seeks to continue its support of rules that protect an open Internet and the virtuous circle of innovation and investment that the FCC's rules will foment.

CONCLUSION

Netflix respectfully requests that the Court grant the instant motion to intervene in these proceedings.

Respectfully submitted,

/s/ Markham C. Erickson

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Dated May 12, 2015

⁵ See, e.g., Netflix, Inc., Comments, GN Docket No. 14-28 (July 14, 2014); Netflix, Inc., Reply Comments, GN Docket No. 14-28 (Sept. 15, 2014); Letter from Christopher Libertelli, Netflix, Inc., to Marlene Dortch, FCC, GN Docket No. 14-28 (Nov. 5, 2014).

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

UNITED STATES TELECOM ASSOCIATION,)	
et al.,)	
)	
<i>Petitioners,</i>)	
)	
v.)	Case No. 15-1063
)	(and consolidated cases)
FEDERAL COMMUNICATIONS COMMISSION,)	
and UNITED STATES OF AMERICA,)	
)	
<i>Respondents.</i>)	
)	

CERTIFICATE AS TO PARTIES

Pursuant to D.C. Circuit Rule 27(a)(4) and D.C. Circuit Rule 28(a)(1)(A), Netflix, Inc. (“Netflix”) certifies the following:

In Case No. 15-1063 and consolidated cases, the Petitioners are the United States Telecom Association, Alamo Broadband Inc., AT&T Inc., the American Cable Association, CTIA – The Wireless Association, CenturyLink, the National Cable and Telecommunications Association, the Wireless Internet Service Providers Association, and Daniel Berninger. The Respondents are the Federal Communications Commission (“FCC”) and the United States of America. The intervenors for Respondents are Public Knowledge and the National Association of State Utility Consumer Advocates. No amici have appeared before this court at

this time. Netflix seeks leave to appear in this matter as an Intervenor in support of Respondents.

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RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1 of this Court, Netflix, Inc. (“Netflix”) hereby submits this Disclosure Statement:

Netflix is a publicly held corporation with its headquarters in Los Gatos, California. Netflix is an Internet subscription service providing consumers access to movies and television shows. Netflix has no parent corporation, and no publicly held corporation owns 10 percent or more of its stock.

Respectfully submitted,

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Dated May 12, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2015, I caused true and correct copies of the foregoing Motion to Intervene to be filed electronically with the Clerk of the Court using the Case Management and Electronic Case Files (“CM/ECF”) system for the D.C. Circuit. Participants in the case will be served by the CM/ECF system or by U.S. Mail.

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