

**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 FOR LEAVE TO INTERVENE

Fight for the Future (“Fight for the Future”) moves to intervene as of right in these consolidated cases¹ in support of Respondents Federal Communications Commission (the “FCC”) and the United States of America pursuant to 47 U.S.C. § 402(e), 28 U.S.C. § 2348, and Rule 15(d) of the Federal Rules of Appellate Procedure. As set forth below, Fight for the Future is entitled to intervene as of right because it would be directly affected by any reversal or modification of the FCC order under review.

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, Fight for the Future’s motion to intervene shall serve as a motion to intervene in the consolidated cases.

The FCC's Petitioners in these consolidated cases—broadband Internet access carriers and their trade associations—challenge the FCC's final order. *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. *See id.* at 19,738.

Fight for the Future has a clear interest in these proceedings. Fight for the Future is an Internet advocacy organization, representing the interests of millions of Internet users. Fight for the Future attracts new members, almost exclusively, through advocacy related to protecting the open Internet and net neutrality in particular. Since its founding in 2011, Fight for the Future has helped millions of Internet Users in the United States speak out on matters of Internet policy that they care about.

Over the years, Fight for the Future has helped its activists engage on a number of important issues, including Net Neutrality. Fight for the Future sees the protection of online civil and human rights as essential for democracy and free speech, and views Net Neutrality as a key part of that. Fight for the Future worked tirelessly in support of FCC reclassification of broadband under Title II. Fight for

the Future was critical in soliciting the record number of public comments on the issue. Should the Order be modified or vacated, Fight for the Future's work would be threatened. Allowing businesses to be the gatekeepers of content without regulation or oversight would threaten if not destroy the ability to freely and widely share political and charitable speech.

Fight for the Future's motion is timely as it is filed within 30 days after the most recent timely-filed petition in these consolidated appeals.² See 47 U.S.C. § 402(e); D.C. Circuit R. 15(b).

Fight for the Future 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 of America.

Respectfully submitted,

/s/ Marvin Ammori
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ATTORNEY FOR Fight for the
Future, Inc.

May 13, 2015

² The last-filed petition (No. 15-1128) is dated May 7, 2015.

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CERTIFICATE AS TO THE PARTIES

Pursuant to D.C. Circuit Rule 28(a)(1)(A), Fight for the Future, Inc. (“Fight for the Future”) hereby certifies the following:

In Case No. 15-1063, the Petitioner is United States Telecom Association and the Respondents are the Federal Communications Commission (“FCC”) and the United States of America. Movant Fight for the Future seeks leave to appear in this matter as an Intervenor in support of Respondents FCC and United States of America. No amici have appeared before this Court.

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

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

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

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

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

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

In Case No. 15-1099, the Petitioner is CenturyLink. The Respondents are the FCC and the United States of America.

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

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

Respectfully submitted,

/s/ Marvin Ammori

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rules 26.1, Fight for the Future, Inc. (“Fight for the Future”) submits the following corporate disclosure statement.

Working Assets, Inc., is the parent company of Fight for the Future, Inc. No publicly-held corporation owns stock or any other interest in either Fight for the Future, Inc. or Working Assets, Inc.

Respectfully submitted,

/s/ Marvin Ammori

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ATTORNEY FOR Fight for the Future, Inc.

May

13,

2015

CERTIFICATE OF SERVICE

I hereby certify that, on behalf of Fight for the Future, Inc., on May 13, 2015, I electronically filed the foregoing Motion for Leave to Intervene 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 Motion for Leave to Intervene be served on all counsel by electronic service via CM/ECF.

/s/ Andrew Jay Schwartzman
Andrew Jay Schwartzman