

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

WIRELESS INTERNET SERVICE PROVIDERS
ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES
OF AMERICA,

Respondents.

Case No. 15-1117
(Consolidated with
Case Nos. 15-1063,
15-1078, 15-1086, 15-
1090, 15-1091, 15-
1092, 15-1095, 15-
1099 and 15-1128

MOTION TO INTERVENE OF VONAGE HOLDINGS CORP.

Vonage Holdings Corp. (“Vonage”), through undersigned counsel, respectfully moves, pursuant to Section 402 of the Communications Act of 1934, as amended, 47 U.S.C. § 402(e); Section 2348 of Title 28 of the United States Code, 28 U.S.C. § 2348; and Rule 15(d) of the Federal Rules of Appellate Procedure, for leave to intervene as a matter of right in the above-captioned proceeding in support of Respondents the Federal Communications Commission and the United States.

On April 24, 2015, the Wireless Internet Service Provider Association, filed a Petition for Review of the Report and Order of the Federal Communications Commission (“FCC” or “Commission”) in the proceeding captioned *Protecting and Promoting the Open Internet*, GN Docket No. 14-28,

FCC No. 15-24 (rel. March 12, 2015) (“*Open Internet Order*”). In the *Open Internet Order*, the FCC adopted rules that protect consumers and competition from unreasonably discriminatory behavior by wireless and wireline Broadband Internet access service providers. In particular, the *Open Internet Order* adopts rules protecting the right of consumers to use any wired and wireless Broadband Internet Connection to access their choice of lawful content, applications, services, or non-harmful devices, including the applications, services or devices provided by Vonage. Further, the Commission classified broadband Internet access services as telecommunications services under the Communications Act of 1934, as amended, so that it may enforce rules protecting the Open Internet. Any action by this Court enjoining or limiting the FCC’s ability to enforce its *Open Internet Order* that would have the effect of prohibiting the FCC from policing unreasonable practices against Vonage’s applications, services or devices would have a substantial and direct effect on Vonage’s interests.

Vonage respectfully requests leave to intervene in support of Respondents FCC and the United States of America with respect to the Wireless Internet Service Providers Association’s petition for review.¹ Vonage

¹ Pursuant to Circuit Rule 15(b), this Motion will be treated as a motion to intervene in all cases before this court involving the same agency order, which includes a number of cases pending consolidated under the lead case, *United States Telecom Association v. FCC*, Case No. 15-1063 (filed March 23, 2015).

and its customers benefit from the rules adopted in the *Open Internet Order*. Vonage was an active participant in the proceedings below. Vonage is therefore a “party in interest in the proceeding” entitled to intervene “as of right”. 28 U.S.C. § 2348; 47 U.S.C. § 402(e). *See* 28 U.S.C. § 2348.

Vonage therefore requests that it be permitted to intervene in this proceeding, as matter of right, with full rights as a party, so that it may be afforded the opportunity to protect its interests and assist the FCC in defending the *Open Internet Order*.

Respectfully submitted,

/s/ Joshua M. Bobeck

RUSSELL M. BLAU
JOSHUA M. BOBECK
MORGAN, LEWIS & BOCKIUS, LLP
2020 K STREET, N.W.
WASHINGTON, DC 20016
TEL: (202) 373-6000
FAX: (202) 373-6001
RUSSELL.BLAU@MORGANLEWIS.COM
JOSHUA.BOBECK@MORGANLEWIS.COM

*COUNSEL FOR VONAGE HOLDINGS
CORP.*

May 14, 2015

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

WIRELESS INTERNET SERVICE PROVIDERS
ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES
OF AMERICA,

Respondents.

Case No. 15-1117
(Consolidated with
Case Nos. 15-1063,
15-1078, 15-1086, 15-
1090, 15-1091, 15-
1092, 15-1095, 15-
1099 and 15-1128

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, Vonage Holdings Corp. respectfully submits the following corporate disclosure statement:

Vonage Holdings Corp., through its wholly-owned subsidiary Vonage America, Inc., provides low-cost communications services connecting individuals through broadband devices worldwide. Vonage Holdings Corp. is a publicly held corporation, traded on the New York Stock exchange under the symbol VG. No publicly held corporation holds a 10% or greater interest in Vonage Holdings Corp., directly or indirectly.

Respectfully submitted,

/s/ Joshua M. Bobeck

RUSSELL M. BLAU
JOSHUA M. BOBECK
MORGAN, LEWIS & BOCKIUS, LLP
2020 K STREET, N.W.
WASHINGTON, DC 20016
TEL: (202) 373-6000
FAX: (202) 373-6001
RUSSELL.BLAU@MORGANLEWIS.COM
JOSHUA.BOBECK@MORGANLEWIS.COM

*COUNSEL FOR VONAGE HOLDINGS
CORP.*

May 14, 2015

CERTIFICATE OF SERVICE

I certify that that on May 14, 2015, I electronically filed the foregoing Motion to Intervene and Corporate Disclosure Statement of Vonage Holdings Corp. with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Some of the participants in the case, listed below, are not CM/ECF users.

/s/ Joshua M. Bobeck