

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

United States Telecom Association, et al.,
Petitioners,
v.
Federal Communications Commission and the
United States of America,
Respondents.
Case No. 15-1063
(and consolidated cases)

MOTION FOR LEAVE TO INTERVENE

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, Rule 15(b) of the D.C. Circuit Rules, and 28 U.S.C. § 2348, the Ad Hoc Telecommunications Users Committee ("Movant" or "Ad Hoc") respectfully moves this Court for leave to intervene in the above-captioned proceeding in support of the Respondents, the Federal Communications Commission ("FCC") and the United States of America.

Ad Hoc is an association representing the interests of large corporate telecommunications users in proceedings concerning telecommunications regulation before the FCC and the federal courts. The members of Ad Hoc are among the nation's largest and most sophisticated corporate buyers of telecommunications services and rely upon an open and transparent Internet to operate their businesses, interact with their customers and business partners, and compete in the global economy. Members

of Ad Hoc come from a broad range of economic sectors (including manufacturing; banking and financial services; personal and business insurance; transportation and logistics; systems integration; and transaction processing, data management, and other information services) and maintain tens of thousands of corporate premises in every region of the country. Ad Hoc admits no providers of telecommunications services as members and accepts no funding from such providers.

The Petitioners in this proceeding seek review of the FCC's Order in *Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, FCC 15-24, GN Docket No. 14-28 (*released* Mar. 12, 2015), 80 Fed. Reg. 19737 (published Apr. 13, 2015) ("*Order*"). In the Order, the FCC reclassified broadband Internet access service as a telecommunications service subject to regulation under Title II of the Communications Act, 47 U.S.C. §§ 201 *et seq.* The FCC also exercised its forbearance authority under Section 10 of the Communications Act, 47 U.S.C § 160, to remove most regulation applicable to Internet access in order to further its policy goals of "protecting and promoting an open Internet."¹

Ad Hoc was an active participant in the proceeding in which the FCC adopted rules applicable to providers of Internet access service.² Among other things, the rules adopted by the FCC prohibit broadband Internet service providers ("ISPs") from imposing charges upon non-subscribers such as businesses with whom the ISP's subscriber communicates using the subscriber's Internet access line. Because Ad Hoc represents the interests of such businesses, Ad Hoc is entitled to intervene under 28

¹ Order at para. 1.

² See Comments of the Ad Hoc Telecommunications Users Committee, filed July 18, 2014; Ad Hoc *Ex Parte* Notices, filed Nov. 4, 2014, Nov. 7, 2014, Nov. 12, 2014, Jan. 30, 2015, Feb. 13, 2015, Feb. 19, 2015, and Apr. 1, 2015.

CERTIFICATE OF PARTIES

Pursuant to D.C. Circuit Rule 27(a)(4) and D.C. Circuit Rule 28(a)(1)(A), Movant certifies that Petitioners and Respondents in this case are:

Case No. 15-1063 – United States Telecom Association (Petitioner), Federal Communications Commission and the United States of America (Respondents)

Case No. 15-1078 – Alamo Broadband (Petitioner), Federal Communications Commission and the United States of America (Respondents)

Case No. 15-1086 – United States Telecom Association (Petitioner), Federal Communications Commission and the United States of America (Respondents)

Case No. 15-1090 - National Cable & Telecom Association (Petitioner), Federal Communications Commission and the United States of America (Respondents)

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

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

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

Case No. 15-1099 – CenturyLink (Petitioner), Federal Communications Commission and the United States of America (Respondents)

Case No. 15-1117 – Wireless Internet Service Provider (Petitioner), Federal Communications Commission and the United States of America (Respondents)

Case No. 15-1128 – Daniel Berninger (Petitioner), Federal Communications Commission and the United States of America (Respondents)

DISCLOSURE STATEMENT PURSUANT TO RULE 26.1

The Ad Hoc Telecommunications Users Committee ("Ad Hoc") is an unincorporated, non-profit organization representing the interests of business end users of communications services. Ad Hoc is a "trade association," as defined in D.C. Circuit Rule 26.1(b).

CERTIFICATE OF SERVICE

I, Amanda Delgado, hereby certify that on May 15, 2015, I directed that the foregoing Motion for Leave to Intervene be filed electronically with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. Counsel for the parties listed below who are registered CM/ECF users will be served by the CM/ECF system.

Parties:

Alamo Broadband Inc.	Meetup, Inc.
American Cable Association	National Association of Regulatory Utility Commissioners
AT&T	National Association of State Utility Consumer Advocates
CenturyLink	National Cable & Telecommunications Association
Cogent Communications, Inc.	Netflix, Inc.
COMPTTEL	Public Knowledge
CTIA - The Wireless Association	Tumblr, Inc.
Daniel Berninger	Union Square Ventures, LLC
Dish Network Corporation	United States of America
Etsy, Inc.	United States Telecom Association
Free Press	Vimeo, Inc.
Federal Communications Commission	Wireless Internet Service Providers Association
Independent Telephone & Telecommunications Alliance	
Kickstarter, Inc.	
Level 3 Communications, LLC	

Respectfully submitted,

/s/

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