

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

CENTURYLINK)	
)	
Petitioner,)	
)	Case No. 15-1099 (and
v.)	consolidated cases)
)	
FEDERAL COMMUNICATIONS)	
COMMISSION and UNITED STATES)	
OF AMERICA,)	
)	
Respondents.		

MOTION FOR LEAVE TO INTERVENE

Pursuant to 28 U.S.C. § 2348, 47 U.S.C. § 402(e), Rule 15(d) of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15(b), ColorOfChange.org hereby moves for leave to intervene as a matter of right in the above-captioned case, and consolidated cases, in support of Respondents Federal Communications Commission (“FCC” or “Commission”) and United States of America.

ColorOfChange.org understands that its motion to intervene in this case will also be deemed a motion to intervene in the cases *United States Telecom Association v. FCC*, D.C. Circuit Case No. 15-1063, *Alamo Broadband Inc. v. FCC*, D.C. Circuit Case No. 15-1078, *National Cable and Telecommunications Association v. FCC*, D.C. Circuit Case No. 15-1090, *CTIA—The Wireless Association v. FCC*, D.C. Circuit Case No. 15-1091, *AT&T Inc. v. FCC*, D.C. Circuit Case No. 15-1092, *American Cable Association v. FCC*, D.C. Circuit Case No. 1095, *Wireless*

Internet Service Providers Association v. FCC, D.C. Circuit Case No. 15-1117, *Daniel Berninger v. FCC*, D.C. Circuit Case No. 15-1128, because all of the foregoing cases concern direct review of the same agency order.

Petitioners seek review of the FCC's final "Report and Order on Remand, Declaratory Ruling, and Order" in the proceeding captioned *In the Matter of Protecting and Promoting the Open Internet*, GN Docket No. 14-28 (FCC No. 15-24) (rel. March 12, 2015) ("*Order*").

In that *Order*, the FCC duly followed the directives of this Court in *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014), lawfully reclassified broadband Internet access service as a telecommunications service, and adopted rules to protect free expression and innovation on the Internet and to promote competition and investment in the nation's broadband networks.

ColorOfChange.org is eligible to intervene in this proceeding. As a national, nonpartisan, nonprofit, civil rights organization, ColorOfChange.org exists to strengthen Black America's political voice. ColorOfChange.org's goal is to empower its members and allies to make government more responsive to the concerns of Black Americans and to bring about positive political and social change for everyone. An open Internet that is free from discrimination is critical ColorOfChange.org's mission. To this end, ColorofChange.org has participated in the *Protecting and Promoting the Open Internet* proceeding. Moreover, as the

nation's largest online civil rights organization, ColorofChange.org relies on an open Internet to communicate with its members, activists, allies and the public in furtherance of its mission. Therefore, ColorOfChange.org's interest will be substantially affected by the Court's review of the Commission's *Order*.

ColorOfChange.org is thus a "party in interest in the proceeding" entitled to intervene "as of right" in this matter. *See* 28 U.S.C. § 2348; 47 U.S.C. § 402(e).

Respectfully submitted,

/s/ Andrew Jay Schwartzman
Andrew Jay Schwartzman
600 New Jersey Avenue, NW
Washington, D.C. 20001
Counsel for ColorOfChange.org

May 15, 2015

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

CENTURYLINK)	
)	
Petitioner,)	
)	Case No. 15-1099 (and
v.)	consolidated cases)
)	
FEDERAL COMMUNICATIONS)	
COMMISSION and UNITED STATES)	
OF AMERICA,)	
)	
)	Respondents.

CERTIFICATE AS TO PARTIES

Pursuant to D.C. Circuit Rule 27(a)(4) and D.C. Circuit Rule 28(a)(1)(A), ColorOfChange.org hereby certifies the following:

In case No. 15-1099, the Petitioner is CenturyLink and the Respondents are the Federal Communications Commission (“FCC”) and the United States of America. Movant ColorOfChange.org seeks leave to appear in the matter as an Intervenor in support of Respondents FCC and United States of America. Movants to Intervene on behalf of the FCC include Public Knowledge, Free Press, the National Association of Regulatory Utility Commissioners, Kickstarter, Inc., Meetup, Inc., Tumblr, Inc., Union Square Ventures, LLC, Vimeo, LLC, Etsy, Inc., Level 3 Communications, LLC, DISH Network Corporation, COMPTTEL, Netflix, Inc., Cogent Communications, Inc., Vonage Holdings Corp., New America’s Open Technology Institute, the Center for Democracy and Technology, Demand

Progress, Fight for the Future, Credo Mobile, Akamai Technologies, Inc., the National Association of State Utility Consumer Advocates, and the Ad Hoc Telecommunications Users Committee. The Independent Telephone and Telecommunications Alliance has moved to intervene in support of Petitioner CenturyLink. No amici have appeared before this Court.

In Case No. 15-1063, the Petitioner is United States Telecom Association. The Respondents are the FCC and the United States of America.

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. 15-1090, 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. 15-1117, 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/ Andrew Jay Schwartzman
Andrew Jay Schwartzman
600 New Jersey Avenue, NW
Washington, D.C. 20001
Counsel for ColorOfChange.org

May 15, 2015

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

CENTURYLINK)	
)	
Petitioner,)	
)	Case No. 15-1099 (and
v.)	consolidated cases)
)	
FEDERAL COMMUNICATIONS)	
COMMISSION and UNITED STATES)	
OF AMERICA,)	
)	
Respondents.)	

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, ColorOfChange.org submits the following corporate disclosure statement.

ColorOfChange.org is a national, nonpartisan, nonprofit organization. ColorOfChange.org has no parent corporations, and no publicly held company has a 10% or greater ownership in ColorOfChange.org.

Respectfully submitted,

/s/ Andrew Jay Schwartzman
Andrew Jay Schwartzman
600 New Jersey Avenue, NW
Washington, D.C. 20001
Counsel for ColorOfChange.org

May 15, 2015

CERTIFICATE OF SERVICE

I certify that, on may 15, 2015, I filed the foregoing Motion for Leave to Intervene in Support of Respondents and Corporate Disclosure Statement with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I certify further that participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

/s/ Andrew Jay Schwartzman
Andrew Jay Schwartzman
600 New Jersey Avenue, NW
Washington, DC 20001
Counsel for ColorofChange.org

May 15, 2015