

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

CENTURYLINK,

Petitioner

v.

FEDERAL COMMUNICATIONS
COMMISSION,

and the UNITED STATES OF AMERICA

Respondents.

Case No. 15-1099
(and consolidated cases)

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), the Independent Telephone & Telecommunications Alliance (“ITTA”) hereby moves for leave to intervene as of right in the above-captioned appeal. Pursuant to D.C. Circuit Rule 15(b), ITTA 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, *United States Telecom Association v. FCC*, D.C. Circuit Case No. 15-1086, *National Cable & 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, and *American Cable Association v. FCC*, D.C. Circuit Case No. 15-1095, because all of the foregoing cases concern direct review of the same agency order.

On April 17, 2015, Petitioner CenturyLink filed a Petition for Review of the final order of the Federal Communications Commission (“FCC” or “Commission”) captioned *In the Matter of Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, GN Docket No. 14-28, FCC 15-24 (rel. Mar. 12, 2015) (“*Order*”). In the *Order*, the Commission reversed FCC precedent by reclassifying broadband Internet access service as a “telecommunications service” as defined by the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*, and applying a host of specific mandates to such service pursuant to Title II of the Communications Act and other provisions. The *Order* was published in the *Federal Register* on April 13, 2015. 80 Fed. Reg. 19738.

ITTA actively participated in the *Protecting and Promoting the Open Internet* proceeding and represents members who would be adversely affected if the *Order* is sustained. ITTA is thus a “party in interest in the proceeding” entitled to intervene “as of right” in this matter. 28 U.S.C. § 2348; 47 U.S.C. § 402(e).

ITTA therefore respectfully requests that this Court grant its motion for leave to intervene in support of Petitioner CenturyLink.

Respectfully submitted,

By: /s/ Genevieve Morelli
Genevieve Morelli
ITTA
1101 Vermont Ave., NW, Suite 501
Washington, D.C. 20005
(202) 898-1519
gmorelli@itta.us

May 12, 2015

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CERTIFICATE AS TO PARTIES

Pursuant to D.C. Circuit Rule 27(a)(4) and D.C. Circuit Rule 28(a)(1)(A), the Independent Telephone & Telecommunications Alliance (“ITTA”) hereby certifies the following:

In Case No. 15-1099, the Petitioner is CenturyLink and the Respondents are the Federal Communications Commission and the United States of America. Movant ITTA seeks leave to appear in this matter as an Intervenor. No *amici* have appeared before this Court.

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

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

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

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

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

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

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

Respectfully submitted,

By: /s/ Genevieve Morelli
Genevieve Morelli
ITTA
1101 Vermont Ave., NW, Suite 501
Washington, D.C. 20005
(202) 898-1519
gmorelli@itta.us

May 12, 2015

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, the Independent Telephone & Telecommunications Alliance (“ITTA”) submits the following corporate disclosure statement.

ITTA is a not-for-profit membership association created under the laws of the District of Columbia. Its members are telecommunications carriers that provide wireline and wireless voice, broadband, and video services to consumers throughout the United States. ITTA’s members have no ownership interest in ITTA. As a “trade association” within the meaning of D.C. Circuit Rule 26.1, no listing need be made in this Statement of the names of any ITTA members that have issued shares or debt securities to the public.

ITTA is not a nongovernmental corporate party, but rather, is a non-stock, non-profit association that has no parent corporation. No publicly-held company has a 10% or greater ownership interest in ITTA.

Respectfully submitted,

By: /s/ Genevieve Morelli
Genevieve Morelli
ITTA
1101 Vermont Ave., NW, Suite 501
Washington, D.C. 20005
(202) 898-1519
gmorelli@itta.us

May 12, 2015

CERTIFICATE OF SERVICE

I, Genevieve Morelli, hereby certify that, on May 12, 2015, I electronically filed the foregoing **Motion for Leave to Intervene, Certificate as to Parties, and Corporate Disclosure Statement** 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 documents be served by electronic service via CM/ECF or by U.S. Mail, as indicated, to the persons identified below.

By: /s/ Genevieve Morelli
Genevieve Morelli
President, ITTA

Served via CM/ECF:

Scott Harris Angstreich
Kellogg, Huber, Hansen, Todd, Evans &
Figel, PLLC
1615 M Street, NW
Sumner Square, Suite 400
Washington, DC 20036
sangstreich@khhte.com

Jacob M. Lewis
Federal Communications Commission
Office of the General Counsel
8th Floor
445 12th Street, SW
Washington, DC 20554
jacob.lewis@fcc.gov

Michael K. Kellogg
Kellogg, Huber, Hansen, Todd, Evans &
Figel, PLLC
1615 M Street, NW
Sumner Square, Suite 400
Washington, DC 20036
mkellogg@khhte.com

James M. Carr
Federal Communications Commission
Office of General Counsel
Room 8-A833
445 12th Street, SW
Washington, DC 20554
james.carr@fcc.gov

C. Frederick Beckner III
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
rbeckner@sidley.com

David Morris Gossett
Federal Communications Commission
Office of the General Counsel
445 12th Street, SW
Washington, DC 20554
david.gossett@fcc.gov

Peter Douglas Keisler
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
pkeisler@sidley.com

Richard Kiser Welch
Federal Communications Commission
Office of General Counsel
Room 8-A765
445 12th Street, SW
Washington, DC 20554
richard.welch@fcc.gov

James P. Young
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
jyoung@sidley.com

Jonathan Charles Bond
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
jbond@gibsondunn.com

Miguel A. Estrada
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
mestrada@gibsondunn.com

Theodore B. Olson
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
tolson@gibsondunn.com

Matthew A. Brill
Latham & Watkins LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004
matthew.brill@lw.com

Jonathan Yates Ellis
Latham & Watkins LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004
jonathan.ellis@lw.com

Matthew Todd Murchison
Latham & Watkins LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004
matthew.murchison@lw.com

Gary Liman Phillips
AT&T Inc.
1120 20th Street, NW
Suite 1000
Washington, DC 20036
gp3812@att.com

Kristen Ceara Limarzi
U.S. Department of Justice
Antitrust Division/Appellate Division
950 Pennsylvania Ave., NW
Room 3224
Washington, DC 20530
kristen.limarzi@usdoj.gov

Robert J. Wiggers
U.S. Department of Justice
Antitrust Division/Appellate Division
950 Pennsylvania Ave., NW
Room 3224
Washington, DC 20530
robert.wiggers@usdoj.gov

Nickolai Gilford Levin
U.S. Department of Justice
Antitrust Division/Appellate Division
950 Pennsylvania Ave., NW
Room 3224
Washington, DC 20530
nickolai.levin@usdoj.gov

Russell Paul Hanser
Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037
rhanser@wbklaw.com

David H. Solomon
Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037
dsolomon@wbklaw.com

Kathleen M. Sullivan
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue
22nd Floor
New York, NY 10010
kathleensullivan@quinnemanual.com

Jeffrey Alan Lamken
Molo Lamken LLP
The Watergate
600 New Hampshire Avenue, NW
Washington, DC 20037
jlamken@mololamken.com

Christopher M. Heimann
AT&T Inc.
1120 20th Street, NW
Suite 1000
Washington, DC 20036
ch1541@att.com

Michael Stuart Schooler
National Cable & Telecommunications
Association
25 Massachusetts Avenue, NW
Suite 100
Washington, DC 20001
mschooler@ncta.com

Neal Morse Goldberg
National Cable & Telecommunications
Association
25 Massachusetts Avenue, NW
Suite 100
Washington, DC 20001
ngoldberg@ncta.com

Andrew Gerald McBride
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006
amcbride@wileyrein.com

Eve Klindera Reed
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006
ereed@wileyrein.com

Brett A. Shumate
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006
bshumate@wileyrein.com

Served via U.S. Mail:

Rick Charles Chessen
National Cable & Telecommunications
Association
25 Massachusetts Avenue, NW
Suite 100
Washington, DC 20001
rchessen@ncta.com