

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

STATE OF NORTH CAROLINA

Petitioner

v.

FEDERAL COMMUNICATIONS
COMMISSION,

and the UNITED STATES OF AMERICA

Respondents.

Case No. 15-3555

MOTION FOR LEAVE TO INTERVENE OF ITTA

Pursuant to 47 U.S.C. § 402(e), 28 U.S.C. § 2348, Rule 15(d) of the Federal Rules of Appellate Procedure, and 6 Cir. R. 15(d), the Independent Telephone & Telecommunications Alliance (“ITTA”) hereby moves for leave to intervene as a matter of right in the above-captioned appeal in support of Petitioner.

Petitioner in this case seeks review of the final *Memorandum Opinion and Order* issued by the Federal Communications Commission (“FCC” or “Commission”) in the proceeding captioned *In the Matter of City of Wilson, North Carolina Petition for Preemption of North Carolina General Statute Sections 160A-340 et seq.; The Electric Power Board of Chattanooga, Tennessee Petition for Preemption of a Portion of Tennessee Code Annotated Section 7-52-601*, FCC 15-25, WC Docket Nos. 14-115 and 14-116 (the “*Order*”). The *Order* was released on March 12, 2015 and became effective upon release (*Order*, p. 76, ¶ 185). A copy of the full text of the *Order* is available at https://apps.fcc.gov/edocs_public/index.do?document=332489.

In the *Order*, the FCC preempted portions of North Carolina and Tennessee law governing municipal provision of broadband service. ITTA actively participated in the below FCC proceedings and represents members whose interests are substantially affected by the *Order* and any decision the Court may make concerning the *Order*. 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 respectfully requests that this Court grant its motion for leave to intervene on behalf of Petitioner in the above-captioned proceeding, and any other proceedings with which this case may be consolidated.

Respectfully submitted,

By: /s/ Genevieve Morelli
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June 8, 2015

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and 6 Cir. R. 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.

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,

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June 8, 2015

CERTIFICATE OF SERVICE

I, Genevieve Morelli, hereby certify that on June 8, 2015, I caused the foregoing **Motion for Leave to Intervene and Corporate Disclosure Statement** to be filed with the United States Court of Appeals for the Sixth Circuit using the CM/ECF system.

I further certify that the foregoing documents were served via electronic means on the parties to the case, as identified below, through the CM/ECF system.

By: /s/ Genevieve Morelli
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President, ITTA

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