

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

UNITED STATES TELECOM)	
ASSOCIATION, et al.)	
)	
Petitioners,)	
)	Case No. 15-1063 (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), Free Press 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. Free Press understands that its motion to intervene in this case will also be deemed a motion to intervene in the cases *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, *Century Link v. FCC*, D.C.

Circuit Case No. 15-1099, *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.

Free Press is eligible to intervene in this proceeding. As a national, nonpartisan, nonprofit organization, Free Press works to increase informed public participation in crucial communications policy debates through education, organizing, and advocacy. To this end, Free Press has actively participated in the *Protecting and Promoting the Open Internet* proceeding. Moreover, Free Press represents members who would be adversely affected by a reversal of the *Order* because their activities or businesses depend on access to an open Internet.

Additionally, Free Press relies on an open Internet to communicate with its members, activists, allies and the public in furtherance of its mission. Therefore, Free Press's interest will be substantially affected by the Court's review of the Commission's *Order*. Free Press 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/ Matthew F. Wood

Matthew F. Wood
Free Press
1025 Connecticut Avenue NW
Suite 1110
Washington, D.C. 20036
(202) 265-1490
mwood@freepress.net
Counsel for Free Press

May 13, 2015

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

UNITED STATES TELECOM)	
ASSOCIATION,)	
)	
Petitioner,)	
)	Case No. 15-1063 (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), Free Press hereby certifies the following:

In case No. 15-1063, the Petitioner is United States Telecom Association and the Respondents are the Federal Communications Commission (“FCC”) and the United States of America. Movant Free Press 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, 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., and the National Association of State Utility

Consumer Advocates. 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. 15-1078, 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. 15-1099, the Petitioner is CenturyLink. 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/ Matthew F. Wood

Matthew F. Wood
Free Press
1025 Connecticut Avenue NW
Suite 1110
Washington, D.C. 20036
(202) 265-1490
mwood@freepress.net
Counsel for Free Press

May 13, 2015

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

UNITED STATES TELECOM)	
ASSOCIATON,)	
)	
Petitioner,)	
)	Case No. 15-1063 (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, Free Press submits the following corporate disclosure statement.

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

Respectfully submitted,

/s/ Matthew F. Wood
Matthew F. Wood
Free Press
1025 Connecticut Avenue NW
Suite 1110
Washington, D.C. 20036
(202) 265-1490
Counsel for Free Press

May 13, 2015

CERTIFICATE OF SERVICE

I, Matthew F. Wood, certify that on this 13th day of May, 2015, I filed the foregoing Motion to Intervene and Corporate Disclosure Statement 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. Participants listed below, who are registered CM/ECF users, will be served by the CM/ECF system. Parties who are not registered CM/ECF users will be served by U.S. Mail.

/s/ Matthew F. Wood
Matthew F. Wood

James M. Carr
David Morris Gossett
Jacob M. Lewis
FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF GENERAL COUNSEL
Room 8-A833
445 12th Street, SW
Washington, DC 20554

*Counsel for Respondent Federal
Communications Commission*

Helgi C. Walker
Michael R. Huston
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

*Counsel for Petitioner CTIA – The
Wireless Association*

Nickolai Gilford Levin
Kristen Ceara Limarzi
Robert J. Wiggers
U.S. DEPARTMENT OF JUSTICE
ANTITRUST DIVISION, APPELLATE
SECTION
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

*Counsel for Respondent United States
of America*

Michael K. Kellogg
Scott Harris Angstreich
KELLOGG, HUBER, HANSEN, TODD,
EVANS & FIGEL, PLLC
1615 M Street, NW
Sumner Square, Suite 400
Washington, DC 20036-3209

*Counsel for Petitioners USTelecom,
CTIA, and AT&T*

Peter D. Keisler
James P. Young
C. Frederick Beckner III
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005

Wayne Watts
David R. McAtee II
Lori A. Fink
Gary L. Phillips
Christopher M. Heimann
AT&T SERVICES, INC.
1120 20th Street, NW Suite 1000
Washington, DC 20036

Counsel for Petitioner AT&T Inc.

Brett A. Shumate
Andrew G. McBride
Eve Klindera Reed
WILEY REIN LLP
1776 K Street, NW
Washington, DC 20006-2359

Counsel for Alamo Broadband Inc.

Stephen E. Coran
Dennis P. Corbett
LERMAN SENTER PLLC
2000 K Street, NW
Suite 600
Washington, DC 20006

*Counsel for Petitioner Wireless
Internet Service Providers*

Miguel A. Estrada
Theodore B. Olson
Jonathan C. Bond
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5306

Rick C. Chessen
Neal M. Goldberg
Michael S. Schooler
NATIONAL CABLE &
TELECOMMUNICATIONS ASSOCIATION
25 Massachusetts Avenue, NW
Suite 100
Washington, DC 20001-1431

Matthew A. Brill
Matthew T. Murchison
LATHAM & WATKINS LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004-1304

*Counsel for National Cable &
Telecommunications Association*

David H. Solomon
Russell P. Hanser
WILKINSON BARKER KNAUER LLP
2300 N Street NW
Suite 700
Washington, DC 20037

Timothy M. Boucher
CENTURYLINK
1099 New York Avenue, NW
Washington, DC 20001

Counsel for Petitioner CenturyLink

Kathleen M. Sullivan
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue 22nd Floor
New York, NY 10010

Jonathan Banks
UNITED STATES TELECOM
ASSOCIATION
607 14th Street, NW
Suite 400
Washington, DC 20005

*Counsel for Petitioners US Telecom
Association*

Ross J. Leiberman
AMERICAN CABLE ASSOCIATION
2415 39th Place, NW
Washington, DC 20007

Jeffrey Alan Lamken
MOLO LAMKEN LLP
The Watergate, Suite 660
600 New Hampshire Avenue, NW
Washington, DC 20037

*Counsel for American Cable
Association*

Richard E. Wiley
Bennett L. Ross
Brett A. Shumate
WILEY REIN LLP
1776 K Street NW
Washington, DC 20006

*Counsel for Petitioner Daniel
Berninger*

Harold J. Feld
PUBLIC KNOWLEDGE
1818 N Street NW
Suite 410 Washington, DC 200036
*Counsel for Intervenor Public
Knowledge*

David Bergmann
LAW OFFICE OF DAVID C. BERGMANN
3293 Noreen Drive
Columbus, OH 43221

*Counsel for Intervenor National
Association of State Utility Consumer
Advocates*

Markham C. Erickson
Andrew W. Guhr
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue NW
Washington, DC 20036

*Counsel Intervenors Netflix Inc.,
Level 3 Communications LLC,
COMPTEL*

James Bradford Ramsay
NATIONAL ASSOCIATION OF
REGULATORY UTILITY
COMMISSIONERS
1101 Vermont Avenue NW
Suite 200
Washington, DC 20005

*Counsel for Intervenor National
Association of Regulatory Utility
Commissioners*

Seth D. Greenstein
Robert S. Schwartz
CONSTANTINE CANNON LLP
1001 Pennsylvania Ave, NW
Suite 1300N
Washington, DC 20004

Counsel for Intervenors Kickstarter Inc., Etsy Inc., Meetup Inc., Union Square Ventures LLC, Vimeo LLC, and Tumblr Inc.

Marvin Ammori
AMMORI GROUP
1718 M Street, NW
Suite 1990
Washington, DC 20036

Counsel for Intervenor Tumblr Inc.

Pantelis Michalopoulos
Stephanie A. Roy
Andrew W. Guhr
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

Counsel for Intervenor DISH Network Corporation

Robert M. Cooper
James P. Denvir III
Scott E. Gant
Hamish P.M. Hume
Hershel A. Wancjer
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Avenue, NW
Washington, DC 20015

Counsel for Intervenor Cogent Communications Inc.

Genevieve Morelli
INDEPENDENT TELEPHONE &
TELECOMMUNICATIONS ALLIANCE
1101 Vermont Avenue, NW
Suite 501
Washington, DC 20005

Counsel for Intervenor ITTA