

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

STATE OF TENNESSEE, )  
)  
*Petitioner,* )  
)  
vs. )  
)  
FEDERAL COMMUNICATIONS )  
COMMISSION, and )  
UNITED STATES OF AMERICA, )  
)  
*Respondents.* )

CASE NO. 15-3291

**ELECTRIC POWER BOARD OF CHATTANOOGA’S  
NOTICE OF INTENTION TO INTERVENE**

The Electric Power Board of Chattanooga, an independent Board of the City of Chattanooga, Tennessee (“**EPB**”), by and through counsel, and pursuant to 47 U.S.C. § 402(e) and 28 U.S.C. § 2348, provides notice to this Honorable Court and the parties of its intention to intervene as a party Respondent in this matter. In support of its Notice of Intention to Intervene, EPB would show as follows:

1. On July 24, 2014, EPB filed a petition with the Federal Communications Commission (“**FCC**”), pursuant to Section 706 of the Telecommunications Act of 1996, seeking removal of certain state barriers to broadband investment and competition. In a Memorandum Opinion and Order entered on March 12, 2015 (“**Order**”), and attached as an exhibit the State of

Tennessee's Petition for Review in this case, the FCC granted EPB's Petition and ordered the relief sought in EPB's Petition.

2. On March 20, 2015, the State of Tennessee filed a Petition for Review in this Court, seeking review of the Order pursuant to 47 U.S.C. § 402(a). More specifically, the State of Tennessee has requested that this Court "hold unlawful, vacate, enjoin, and set aside" the FCC's Order.

3. Section 402(e) of Title 47, United States Code, provides that "any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission." Similarly, 28 U.S.C. § 2348 provides that parties "whose interests are affected by the order of the agency, may intervene in any proceeding to review the order."

4. Section 402(e) also provides that an "interested party" is one "who would be aggrieved or whose interest would be adversely affected by a reversal or modification of the order of the Commission complained of."

5. EPB asserts that it is an interested party in this action because it was the original petitioner giving rise to the challenged Order, and because the challenged Order granted EPB the relief it requested. As such, EPB would be

aggrieved, and its interests adversely affected, if the Order granting relief to EPB were reversed or modified as requested by the State of Tennessee.

6. As required by 47 U.S.C. § 402(e), EPB attaches as **Exhibit A** to this Notice a verified statement affirming the nature of EPB's interest.

7. As also required by 47 U.S.C. § 402(e), EPB has duly served true copies of this notice upon the Petitioner and upon the Federal Communications Commission, as appears from the attached certificate of service.

**[SIGNATURES ON NEXT PAGE]**

Respectfully submitted,



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**EXHIBIT A**

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

STATE OF TENNESSEE,	)
	)
<i>Petitioner,</i>	)
	)
vs.	)
	)
FEDERAL COMMUNICATIONS	)
COMMISSION, and	)
UNITED STATES OF AMERICA,	)
	)
<i>Respondents.</i>	)

CASE NO. 15-3291

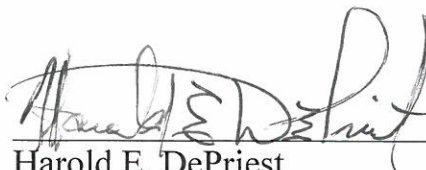
**VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I, Harold E. DePriest, state as follows:

1. I am the President and Chief Executive Officer of the Electric Power Board of Chattanooga, an independent Board of the City of Chattanooga, Tennessee (“EPB”).
2. I have reviewed the Notice of Intention to Intervene filed by EPB in this matter, which, among other things sets forth EPB’s interest in these proceedings.
3. The facts stated in the Notice of Intention to Intervene are true and correct to the best of my knowledge, information, and belief.

4. I declare and verify under penalty of perjury that the foregoing is true and correct.

Executed, this 20th day of April, 2015.

A handwritten signature in black ink, appearing to read "Harold E. DePriest", written over a horizontal line.


Harold E. DePriest  
President & CEO

## CERTIFICATE OF SERVICE

Pursuant to 47 U.S.C. § 402(e), I hereby certify that I have served a true and correct copy of the foregoing pleading upon the following individual(s) via hand delivery or regular U.S. mail, postage prepaid, and correctly addressed as follows:

Respectfully submitted,

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