

APR 14 2015

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

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NATIONAL CABLE &
TELECOMMUNICATIONS ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,

Respondents.

Case No. 15-1090

PETITION FOR REVIEW

Pursuant to 5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Federal Rule of Appellate Procedure 15(a), the National Cable & Telecommunications Association (“NCTA”) hereby petitions this Court for review of the order of the Federal Communications Commission (“FCC”) captioned *In re Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, GN Docket No. 14-28, FCC 15-24 (Mar. 12, 2015) (“Order”). The Order was published in the Federal Register on April 13, 2015, 80 Fed. Reg. 19738. NCTA is attaching the Order as Exhibit A to this petition.

Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

This action concerns the FCC’s efforts to regulate the Internet. Order ¶ 1. After this Court vacated and remanded the FCC’s previous attempt at Internet regulation in *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014), the FCC initiated a

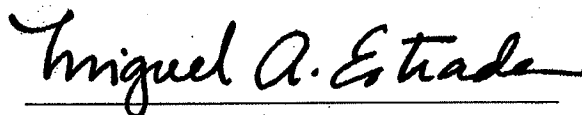
rulemaking proceeding and ultimately issued the Order under review. Order ¶¶ 7, 10. Among other things, the Order reverses longstanding FCC policy and reclassifies broadband Internet access service as a “telecommunications service” subject to Title II of the Communications Act of 1934. *Id.* ¶ 47. The Order also refuses to forbear from regulating broadband providers as common carriers in numerous respects under Title II, including regulation of their rates and practices under Sections 201 and 202. *Id.* ¶¶ 441, 446, 451.

NCTA seeks review of the Order on the grounds that it is arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; is contrary to the United States Constitution; violates the Communications Act of 1934, as amended, and FCC regulations promulgated thereunder; violates the notice-and-comment rulemaking requirements of 5 U.S.C. § 553; and is otherwise contrary to law.

Accordingly, NCTA respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the Order, and that it provide such additional relief as may be appropriate.

Dated: April 14, 2015

Respectfully submitted,



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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and this Court's Rule 26.1, NCTA respectfully submits the following corporate disclosure statement.

NCTA is the principal trade association of the cable television industry in the United States. Its members include owners and operators of cable television systems serving over 80 percent of the nation's cable television customers, as well as more than 200 cable program networks. NCTA also represents equipment suppliers and others interested in or affiliated with the cable television industry. NCTA has no parent companies, subsidiaries, or affiliates whose listing is required by Rule 26.1.

CERTIFICATE OF SERVICE

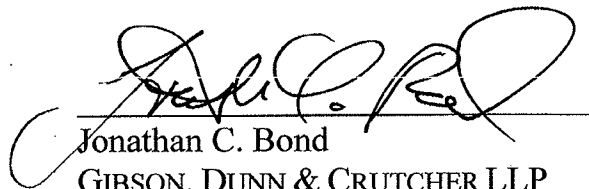
I hereby certify that on April 14, 2015, I caused one copy of the foregoing Petition for Review and Exhibit A thereto to be served on the following counsel by the manner indicated:

*By Hand and
Electronic Mail*

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