

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

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The State of Tennessee,)	
)	
Petitioner,)	
v.)	
)	
Federal Communications)	Case No. 15-3291
Commission, and)	
)	
The United States of America,)	
)	
Respondents.)	
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**MOTION OF THE CITY OF WILSON, NORTH CAROLINA,
FOR LEAVE TO INTERVENE IN THIS MATTER**

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, 6 Cir. R. 15(d), 28 U.S.C. § 2348, and 47 U.S.C. § 402(a), the City of Wilson, North Carolina, requests leave to intervene in this matter in support of the Respondents.

The City of Wilson was one of the two petitioners in the proceeding before the Federal Communications Commission entitled “In the Matter of the City of Wilson, North Carolina, Petition for Preemption of the North Carolina General Statute Sections 160A-340 *et seq*; The Electric Power Board of Chattanooga, Tennessee, Petition for Preemption of a Portion of the Tennessee Code Annotated Section 7-52-601,” WC Docket Nos. 14-115 and 14-116. On March 12, 2015, the Commission released its Memorandum Opinion and Order granting the petitions. The Memorandum Opinion and Order, which became effective on release, is available online at <https://apps.fcc.gov/edocspublic/attachmatch/FCC-15-25A1.pdf>

On March 20, 2015, the State of Tennessee filed a Petition for Review of the Commission’s Memorandum Opinion and Order. The Petition for Review not only addresses the portions of the

Commission's decision relating to Tennessee law, but it also challenges the Commission's underlying authority under federal law to grant the petitions.

The City participated actively in this matter before the Commission, and it will clearly be affected by the Court's decision in this appeal. The City is thus "a party in interest" entitled to intervene "as of right" under 28 U.S.C. § 2348.

For all of the foregoing reasons, the City of Wilson requests that the Court grant its motion to intervene.

Respectfully submitted,

/s/James Baller (Lead counsel)

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Counsel for the City of Wilson, NC

April 20, 2015

VERIFICATION

Pursuant to 47 U.S.C. § 402(e), I verify that the statements in foregoing Motion of the City of Wilson, North Carolina for Leave to Intervene In This Matter regarding the nature of the City of Wilson's interest in this matter are true and accurate to the best of my knowledge and belief.

/s/James Baller
James Baller
Counsel to the City of Wilson, NC

April 20, 2015

CERTIFICATE OF SERVICE

I certify that on April 20, 2015, I caused a copy of the attached Motion of the City of Wilson, North Carolina, to Intervene In This Matter to be filed via the Court's ECF Filing System and to be served upon the parties listed below by first-class mail (postage prepaid) and by electronic mail (where listed).

/s/ James Baller
James Baller
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