

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

AT&T SERVICES, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,

Respondents.

No. 18-1294
(Consolidated with
No. 18-1305)

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to D.C. Circuit Rule 28(a)(1), petitioner AT&T Services, Inc., on behalf of its wireless affiliates, (“AT&T”) certifies as follows:

A. Parties and Amici

The parties appearing before this Court are petitioner AT&T; respondents the Federal Communications Commission (“FCC”) and the United States of America; and proposed intervenors the City of San Jose, California; the City of Arcadia, California; the City of Bellevue, Washington; the City of Burien, Washington; the City of Burlingame, California; the City of Culver City, California; the Town of Fairfax, California; the City of Gig Harbor, Washington; the City of Issaquah, Washington; the City of Kirkland, Washington; the City of Las Vegas, Nevada; the City of Los Angeles, California; the County of Los Angeles, California; the City of Monterey, California; the City of Ontario,

California; the City of Piedmont, California; the City of Portland, Oregon; the City of San Jacinto, California; the City of Shafter, California; and the City of Yuma, Arizona.

This Court has consolidated this appeal with Case Number 18-1305. The parties appearing before this Court in that matter are petitioner American Public Power Association and respondents the FCC and the United States of America.

B. Ruling Under Review

The ruling under review is the FCC's Declaratory Ruling and Third Report and Order, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket Nos. 17-79 and 17-84, FCC 18-133 ("Order"). The *Order* was released on September 27, 2018. A summary of the *Order* as well as the new regulations promulgated with the *Order* were published in the Federal Register on October 15, 2018. *See* 83 Fed. Reg. 51,867.

C. Related Cases

AT&T states that AT&T is not aware of this case having been previously before this Court or any other court. AT&T further states that the following pending cases all involve petitions for review of the *Order*:

U.S. Court of Appeals for the Tenth Circuit
Sprint Corp. v. FCC, No. 18-9563
Verizon Commc'ns v. FCC, No. 18-9566
Puerto Rico Tel. Co. v. FCC, No. 18-9567
City of San Jose v. FCC, No. 18-9568
City of Seattle v. FCC, No. 18-9571

City of Huntington Beach v. FCC, No. 18-9572

U.S. Court of Appeals for the District of Columbia Circuit

American Public Power Ass'n v. FCC, No. 18-1305

The FCC has filed a consent motion to transfer this case to the Tenth Circuit. The Court has not yet ruled on that motion.

Respectfully submitted,

David L. Lawson
Gary L. Phillips
AT&T SERVICES, INC.
1120 20th Street, N.W., Suite 1000
Washington, D.C. 20036
(202) 457-3055

Robert Vitanza
AT&T SERVICES, INC.
208 S. Akard Street, Room 3031
Dallas, TX 75202
(214) 757-3357

/s/ Sean A. Lev

Sean A. Lev
Frederick Gaston Hall
KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 326-7900
slev@kellogghansen.com
fhall@kellogghansen.com

Counsel for Petitioner AT&T Services, Inc.

November 29, 2018

CERTIFICATE OF SERVICE

I hereby certify that, on November 29, 2018, I filed the foregoing in the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that all parties are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system, except for the following party who will be served via U.S. Mail.

The Honorable Matthew G. Whitaker
Acting Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

/s/ Sean A. Lev _____

Sean A. Lev