

**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

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), AT&T Services, Inc., on behalf of its wireless affiliates (collectively, “AT&T”), hereby petitions this Court for review of an order of the Federal Communications Commission (“Commission”). *See* 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*, a copy of which is attached as Exhibit A to this petition, 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. Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

In the *Order*, the Commission, among other things and without prejudice to other claims, refused to adopt a “deemed granted” remedy for instances when a state or local government entity fails to act on a request for authorization to place, construct, or modify personal wireless services facilities within a reasonable period of time after the request is filed, contrary to 47 U.S.C. § 332(c)(7)(B).

AT&T is affected by the determinations in the *Order* because delays on requests for authorization to construct postpone deployment of wireless facilities. AT&T is thus aggrieved by the Order and has standing to challenge it.

AT&T seeks review of the *Order* on the grounds that it is arbitrary, capricious, inadequately reasoned, or otherwise contrary to law. AT&T requests that this Court hold unlawful, vacate, enjoin, and set aside the *Order*, and that it provide such additional relief as may be appropriate.

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.

October 25, 2018