

**FILED**

UNITED STATES COURT OF APPEALS

APR 18 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CITY OF PORTLAND,

Petitioner,

CITY AND COUNTY OF SAN  
FRANCISCO; et al.,

Intervenors,

v.

UNITED STATES OF AMERICA;  
FEDERAL COMMUNICATIONS  
COMMISSION,

Respondents.

No. 18-72689

FCC No. 18-111  
Federal Communications Comm

ORDER

AMERICAN ELECTRIC POWER  
SERVICE CORPORATION; et al.,

Petitioners,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents,

VERIZON; USTELECOM-THE  
BROADBAND ASSOCIATION,

Respondents-Intervenors.

No. 19-70490

FCC No. 18-111  
Federal Communications Comm

SPRINT CORPORATION,

Petitioner,

CITY OF BOWIE, MARYLAND; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70123

FCC No. FCC 18-133  
Federal Communications Comm

VERIZON COMMUNICATIONS, INC.,

Petitioner,

CITY OF ARCADIA, California; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70124

FCC No. 18-133  
Federal Communications Comm

PUERTO RICO TELEPHONE  
COMPANY, INC.,

Petitioner,

CITY OF ARCADIA, California; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70125

FCC No. FCC 18-133  
Federal Communications Comm

CITY OF SEATTLE, Washington; et al.,

Petitioners,

CITY OF BAKERSFIELD, California; et  
al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70136

FCC No. 18-133  
Federal Communications Comm

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CITY OF SAN JOSE, California; et al.,

Petitioners,

CTIA - THE WIRELESS  
ASSOCIATION; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70144

FCC No. FCC 18-133  
Federal Communications Comm

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CITY AND COUNTY OF SAN  
FRANCISCO,

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70145

FCC No. 18-133  
Federal Communications Comm

CITY OF HUNTINGTON BEACH,

Petitioner,

CITY OF ARCADIA, California; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70146

FCC No. 18-133

Federal Communications Comm

MONTGOMERY COUNTY, Maryland

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70147

FCC No. FCC 18-133

Federal Communications Comm

AT&T SERVICES, INC.,

Petitioner,

CITY OF BALTIMORE, MARYLAND;  
et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70326

FCC Nos. 18-133

83-FR-51867

Federal Communications Comm

AMERICAN PUBLIC POWER  
ASSOCIATION,

Petitioner,

CITY OF ALBUQUERQUE, NEW  
MEXICO; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70339

FCC Nos. 18-133

83-FR-51867

Federal Communications Comm

CITY OF AUSTIN, TEXAS; et al.,

Petitioners,

CITY OF ALBUQUERQUE, NEW  
MEXICO; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70341

FCC Nos. 18-133

83-FR-51867

Federal Communications Comm

CITY OF EUGENE, OREGON; et al.,

Petitioners,

CITY OF ALBUQUERQUE, NEW  
MEXICO; et al.,

Intervenors,

v.

FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,

Respondents.

No. 19-70344

FCC Nos. 18-133

83-FR-51867

Federal Communications Comm

Before: Peter L. Shaw, Appellate Commissioner.

On April 18, 2019, the Appellate Commissioner conducted a case conference with counsel in separate consolidated petitions for review *City of Portland v. United States*, No. 18-72689 (lead case), and *Sprint Corp. v. FCC*, 19-70123 (lead case).

## I Stay of Ninth Circuit Petitions

The pending requests by respondents FCC and the United States to continue the stay of consolidated petitions for review *City of Portland v. United States*, No. 18-72689 (Docket Entry No. 27) and to stay consolidated petitions for review *Sprint Corp. v. FCC*, 19-70123 (Docket Entry No. 30) will be addressed by separate order.

## II Briefing Schedule

Briefing in petition for review No. 18-72689 and consolidated petitions for review 19-70123 shall proceed as follows: The certified administrative record is due May 10, 2019. Petitioners' opening briefs are due June 10, 2019. Petitioner-intervenors' briefs are due June 17, 2019. Respondents' answering briefs are due August 8, 2019. Respondent-intervenors' briefs are due August 15, 2019. Petitioners' optional reply briefs are due September 4, 2019. Petitioner-intervenors' optional reply briefs are due September 6, 2019.



Briefing in petition for review No. 19-70490 shall proceed as follows: The certified administrative record is due May 10, 2019. Petitioners' opening briefs are due June 24, 2019. Respondents' answering briefs are due August 22, 2019. Respondent-intervenors' briefs are due August 29, 2019. Petitioners' optional reply briefs are due September 18, 2019.

### III Brief Length

Counsel in these petitions for review shall coordinate their efforts with the goal of avoiding repetition in the briefs to the fullest extent possible. The parties are reminded of the court's preference for joint briefing. *See* Fed. R. App. P. 28(I); 9th Cir. R. 32-2 advisory committee note; *see also* 9th Cir. R. 28-5.

The parties shall comply with Federal Rule of Appellate Procedure 32(a)(1-6) and Ninth Circuit Rule 32-1 concerning the form and word count of the briefs. Any party who wishes to file an oversize brief shall, on or before the due date for the brief, file a motion for leave to file the brief and, in a separate docket entry, submit a copy of the proposed brief with a certification as to the brief's word count. *See* 9th Cir. R. 32-1, -2; 9th Cir. Form 8. The Clerk shall forward any oversized brief and any motion to file these briefs to the Appellate Commissioner.

IV  
Scheduling of Oral Argument

Any party may file a motion to expedite hearing these petitions for review after the due date of the respondents' answering briefs.

V  
Motions Related to Briefing

Before calendaring, all future motions related to briefing in these separately consolidated petitions for review shall be filed with the Clerk under the relevant lead case number and shall state on the caption that the motion should be directed to the Appellate Commissioner.