

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

<p>SPRINT CORPORATION,</p> <p>Petitioner,</p> <p>v.</p> <p>FEDERAL COMMUNICATIONS COMMISSION, et al.,</p> <p>Respondents.</p> <p>-----</p> <p>CITY OF BOWIE, MARYLAND, et al.,</p> <p>Intervenors - Respondents.</p>	<p>Case No. 18-9563 (MCP No. 155)</p>
<p>VERIZON COMMUNICATIONS, INC.,</p> <p>Petitioner,</p> <p>v.</p> <p>FEDERAL COMMUNICATIONS COMMISSION, et al.,</p> <p>Respondents.</p> <p>-----</p> <p>THE CITY OF SAN JOSE, CALIFORNIA, et al.,</p> <p>Intervenors - Respondents.</p>	<p>Case No. 18-9566 (MCP No. 155)</p>

PUERTO RICO TELEPHONE  
COMPANY, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION, et al.,

Respondents.

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THE CITY OF SAN JOSE,  
CALIFORNIA, et al.,

Intervenors - Respondents.

Case No. 18-9567  
(MCP No. 155)

THE CITY OF SAN JOSE,  
CALIFORNIA, et al.,

Petitioners,

v.

FEDERAL COMMUNICATIONS  
COMMISSION, et al.,

Respondents.

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CTIA-THE WIRELESS  
ASSOCIATION, et al.,

Intervenors - Respondents.

Case No. 18-9568  
(MCP No. 155)

<p>CITY OF SEATTLE, WASHINGTON, et al.,</p> <p>Petitioners,</p> <p>v.</p> <p>FEDERAL COMMUNICATIONS COMMISSION, et al.,</p> <p>Respondents.</p> <hr/> <p>CITY OF BAKERSFIELD, CALIFORNIA, et al.,</p> <p>Intervenors – Petitioners.</p>	<p>Case No. 18-9571 (MCP No. 155)</p>
<p>CITY OF HUNTINGTON BEACH,</p> <p>Petitioner,</p> <p>v.</p> <p>FEDERAL COMMUNICATIONS COMMISSION, et al.,</p> <p>Respondents.</p> <hr/> <p>THE CITY OF SAN JOSE, CALIFORNIA, et al.,</p> <p>Intervenors - Petitioners.</p>	<p>Case No. 18-9572 (MCP No. 155)</p>

## NOTICE OF POSITION

Petitioners City San Jose *et al.* (collectively “San Jose”) moved to transfer these matters to the United States Court of Appeals for the Ninth Circuit. By order dated November 30, 2018, this Court has requested that the Parties and Intervenors shall state their respective positions on the proposed transfer.

The City of Seattle, Washington; the City of Tacoma, Washington; King County, Washington; the League of Oregon Cities; the League of California Cities; the League of Arizona Cities and Towns, the City of Bakersfield, California; the City of Rancho Palos Verdes, California; the City of Coconut Creek, Florida; the City of Lacey, Washington; the City of Olympia, Washington; the City of Tumwater, Washington; Thurston County, Washington; the Colorado Communications and Utility Alliance; and Rainier Communications Commission (collectively, the “Petitioners and Intervenors”) support the motion to transfer to the Ninth Circuit because they believe that the plain language of 28 U.S.C. § 2112(a)(5) and the interests of justice and sound judicial administration require that the matter be heard by the Ninth Circuit.

The Petitioners and Intervenors previously filed a motion with this Court seeking the same transfer, which this Court denied without prejudice based on a defect under 10th Cir. Local R. 27.1. In the interest of judicial economy, and in lieu of renewing their motion for transfer at this time, the Petitioners and Intervenors file this notice in support of San Jose’s motion to transfer.

Respectfully submitted the 17<sup>th</sup> day of December, 2018.

CITY OF SEATTLE, WASHINGTON; CITY OF TACOMA, WASHINGTON; KING COUNTY, WASHINGTON; CITY OF COCONUT CREEK, FLORIDA; CITY OF LACEY WASHINGTON; CITY OF OLYMPIA, WASHINGTON; CITY OF TUMWATER, WASHINGTON; THURSTON COUNTY, WASHINGTON; COLORADO COMMUNICATIONS AND UTILITY ALLIANCE; and RAINIER COMMUNICATIONS COMMISSION

By: /s/ **Kenneth S. Fellman**

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AND

THE CITY OF BAKERSFIELD, CALIFORNIA; THE CITY OF RANCHO PALOS VERDES, CALIFORNIA; THE LEAGUE OF ARIZONA CITIES AND TOWNS; LEAGUE OF CALIFORNIA CITIES; and LEAGUE OF OREGON CITIES

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## CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I certify: This motion complies with the type-volume limitation of Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure because this motion contains 1,199 words, excluding the accompanying documents authorized by Rule 27(a)(2)(B) of the Federal Rules of Appellate Procedure. This motion complies with the typeface and type-style requirements of Rule 27(d)(1)(E), Rule 32(a)(5), and Rule 32(a)(6) of the Federal Rules of Appellate Procedure because this motion has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14 point Times New Roman.

Respectfully submitted the 17<sup>th</sup> day of December, 2018.

CITY OF SEATTLE, WASHINGTON; CITY OF TACOMA, WASHINGTON; KING COUNTY, WASHINGTON; CITY OF COCONUT CREEK, FLORIDA; CITY OF LACEY WASHINGTON; CITY OF OLYMPIA, WASHINGTON; CITY OF TUMWATER, WASHINGTON; THURSTON COUNTY, WASHINGTON; COLORADO COMMUNICATIONS AND UTILITY ALLIANCE; and RAINIER COMMUNICATIONS COMMISSION

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## CERTIFICATE OF DIGITAL SUBMISSION

In accordance with the Court's CM/ECF User's Manual (7<sup>th</sup> Edition; Updated 5/21/18), I, Kenneth S. Fellman, hereby certify, *if applicable*, that:

- a. all required privacy redactions have been made pursuant to CM/ECF User's Manual (Section J), Fed. R. App. P. 25(a)(5) and 10th Cir. R. 25.5;
- b. the hard copies of any pleading required to be submitted to the clerk's office are *exact* copies of the ECF filing;
- c. the ECF submission was scanned for viruses with the most recent version of a commercial virus scanning program (Symantec.Endpoint Protection, Symantec.cloud-Cloud Agent (Version 3.00.20.2796) and Symantec.cloud-Endpoint Protection (Version NIS-22.15.1.8) updated December 17, 2018), and, according to the program is free of viruses; and
- d. the pleading complies with applicable type volume limits pursuant to Fed. R. App. P. 32(g)(1).



Respectfully submitted the 17<sup>th</sup> day of December, 2018.

CITY OF SEATTLE, WASHINGTON; CITY OF TACOMA, WASHINGTON; KING COUNTY, WASHINGTON; CITY OF COCONUT CREEK, FLORIDA; CITY OF LACEY WASHINGTON; CITY OF OLYMPIA, WASHINGTON; CITY OF TUMWATER, WASHINGTON; THURSTON COUNTY, WASHINGTON; COLORADO COMMUNICATIONS AND UTILITY ALLIANCE; and RAINIER COMMUNICATIONS COMMISSION

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## CERTIFICATE OF SERVICE

I, Kenneth S. Fellman, hereby certify that on December 17, 2018, the foregoing is being electronically filed using the CM/ECF system, which will send a notice of filing to all registered users. All participants in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

Respectfully submitted the 17<sup>th</sup> day of December, 2018.

CITY OF SEATTLE, WASHINGTON; CITY OF TACOMA, WASHINGTON; KING COUNTY, WASHINGTON; CITY OF COCONUT CREEK, FLORIDA; CITY OF LACEY WASHINGTON; CITY OF OLYMPIA, WASHINGTON; CITY OF TUMWATER, WASHINGTON; THURSTON COUNTY, WASHINGTON; COLORADO COMMUNICATIONS AND UTILITY ALLIANCE; and RAINIER COMMUNICATIONS COMMISSION

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