

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 30, 2018

Elisabeth A. Shumaker
Clerk of Court

SPRINT CORPORATION,

Petitioner,

v.

No. 18-9563

FEDERAL COMMUNICATIONS
COMMISSION, et al.,

Respondents.

CITY OF BOWIE, MARYLAND, et al.,

Intervenors - Respondents.

VERIZON COMMUNICATIONS, INC.,

Petitioner,

v.

No. 18-9566

FEDERAL COMMUNICATIONS
COMMISSION, et al.,

Respondents.

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

Intervenors - Respondents.

PUERTO RICO TELEPHONE
COMPANY, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION, et al.,

Respondents.

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

Intervenors - Respondents.

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

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION, et al.,

Respondents.

CTIA-THE WIRELESS ASSOCIATION,
et al.,

Intervenors - Respondents.

No. 18-9567

No. 18-9568

CITY OF SEATTLE, WASHINGTON, et al.,

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION, et al.,

Respondents,

CITY OF BAKERSFIELD, CALIFORNIA, et al.,

Intervenors - Petitioners.

CITY OF HUNTINGTON BEACH,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION, et al.,

Respondents.

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

Intervenors - Petitioners.

No. 18-9571

No. 18-9572

ORDER

These matters are before the court on motion by the Petitioners in *City of San Jose v. F.C.C.*, No. 18-9568, to transfer these matters to the United States Court of Appeals for the Ninth Circuit. Sprint Corporation, Verizon Communications, Inc., Puerto Rico Telephone Company, Inc. (PRTC), CTIA – the Wireless Association®, the Competitive Carriers Association (CCA), and the Federal Communications Commission (FCC) oppose the motion. The Department of Justice takes no position on the motion at this time. The remaining parties support the motion.

No later than December 17, 2018, all opposing parties shall file a response to the motion. Sprint, Verizon, PRTC, CTIA, and CCA are strongly encouraged, to the extent practicable, to file a joint response. At a minimum, these parties shall coordinate efforts to avoid filing duplicative responses. The FCC shall file a separate response. In addition to setting forth its arguments regarding transfer, the FCC shall list all petitions for review of FCC No. 18-133 filed as of December 17, 2018. The FCC shall also address whether transfer is permissible before the agency record is filed. And the FCC shall advise as to the status of its motion to transfer *Am. Elec. Power Serv. Corp. v. FCC*, No. 18-14408 (11th Circ. Oct. 18, 2018) to the Ninth Circuit.

By the same date, the DOJ shall also file a response setting forth its position as of December 17, 2018 with regard to the motion to transfer.

Finally, any party granted intervenor status going forward shall, on or before December 17, 2018, file either a notice of nonopposition to the motion to transfer or a response in opposition to the motion.

Because this court has not yet procedurally consolidated these matters, all responses to and notices regarding the motion to transfer shall be captioned for and filed in all six matters.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk