

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

VERIZON,

Appellant,

v.

FEDERAL COMMUNICATIONS
COMMISSION,

Appellee.

Case No. 11-_____

**VERIZON’S MOTION TO ASSIGN CASE TO THE
PANEL THAT DECIDED *COMCAST CORP. v. FCC***

Verizon respectfully moves this Court to assign this case to the panel that decided *Comcast Corp. v. FCC*, 600 F.3d 642 (2010).¹ The *Order* on appeal here² directly responds to this Court’s decision in *Comcast* regarding the Federal Communications Commission’s (“FCC” or “Commission”) statutory authority to regulate broadband Internet access services and arises from the same agency docket as *Comcast*. According to the *Order* itself, the Commission addressed the “significant uncertainty regarding the future enforcement of open Internet principles and what constitutes appropriate network management, particularly in the wake of the court of appeals’ vacatur of the *Comcast Network Management*

¹ The *Comcast* panel consisted of Chief Judge Sentelle, Judge Tatel, and Senior Judge Randolph.

² *In the Matter of Preserving the Open Internet; Broadband Industry Practices*, Report and Order, GN Docket No. 09-191, WC Docket No. 07-52 (rel. Dec. 23, 2010) (“*Order*”).

Practices Order.” *Order* ¶ 42. The instant case thus presents the *same* basic question of the FCC’s statutory authority over broadband Internet access services at issue in *Comcast*. Because the *Comcast* panel is already highly versed in the substantial body of legal material relevant to this continuing controversy, Verizon respectfully submits that the interests of judicial economy and consistency weigh in favor of that panel hearing this case.

1. In *Comcast*, this Court addressed the question “whether the [FCC] has authority to regulate an Internet service provider’s network management practices.” 600 F.3d at 644. In the underlying order,³ the Commission purported to adjudicate a challenge to Comcast’s practices in managing its broadband Internet access services, found that the contested practices “r[an] afoul of federal Internet policy,” *Comcast Order*, 23 F.C.C.R. at 13050 (¶ 41), and ordered Comcast to cease those practices, *id.* at 13059-60 (¶¶ 54-55). In vacating the *Comcast Order*, the Court held that the FCC had failed to justify its assertion of authority over the broadband Internet access services at issue, rejecting, among other things, the agency’s reliance on Section 706 of the Telecommunications Act of 1996 (“1996 Act”) and Section 201 of the Communications Act of 1934 (“Communications Act”). *See Comcast*, 600 F.3d at 658-60.

³ See *Formal Complaint of Free Press and Public Knowledge Against Comcast Corporation for Secretly Degrading Peer-to-Peer Applications*, 23 F.C.C.R. 13028 (2008) (“*Comcast Order*”).

2. While briefing was underway in *Comcast*, the Commission issued the Notice of Proposed Rulemaking that culminated in the *Order* on appeal here.⁴ The *NPRM* was issued in the same docket as the *Comcast Order*, WC Docket Number 07-52, as well as GN Docket Number 09-191, and it repeatedly relied on the *Comcast Order* as an impetus for the rulemaking, *see NPRM*, 24 F.C.C.R. at 13078-79, 13084, 13109-10 (¶¶ 36-37, ¶ 50 & n.113, ¶¶ 123-24). The *NPRM* also expressly relied on and cross-referenced the statutory authority rationale of the *Comcast Order* for its legal authority, citing the sections on legal authority from the FCC's *Comcast* brief. *Id.* at 13099-100 (¶¶ 83-87 & n.196). In opening comments filed in response to the *NPRM*, the impact of the forthcoming *Comcast* decision on the rulemaking was a major topic of debate.

Similarly, the issue of the inter-relationship between the *NPRM* and the *Comcast* case arose in the litigation. Indeed, the FCC's counsel at oral argument sought guidance from the Court on the agency's authority to engage in the rulemaking, *see* Transcript of Oral Argument at 69, *Comcast*, 600 F.3d 642 (No. 08-1291) (“[A]bove all, we want guidance from this Court so that when we do this rule-making . . . we[] . . . know what we need to do to establish jurisdiction.”), and

⁴ *In the Matter of Preserving the Open Internet; Broadband Industry Practices*, Notice of Proposed Rulemaking, 24 F.C.C.R. 13064 (2009) (“*NPRM*”).

emphasized that such guidance would derive “*from the holding*” in *Comcast*, see *id.* (emphasis added).

Just days before reply comments on the *NPRM* were due, this Court issued its ruling. In reply comments, various parties argued that *Comcast* eviscerated the theory of statutory authority proffered in the *NPRM*. The Commission responded by initiating a new proceeding in which it sought additional comment on the effect of *Comcast* on its authority to regulate broadband Internet access service.⁵ Agency officials publicly considered how “to solv[e] the *Comcast* problem” and what the “responsive administrative action” and “legal response to *Comcast*” should be.⁶

After receiving extensive comments, the Commission abruptly abandoned that new proceeding, returned to the dockets from which the *NPRM* arose, and issued the *Order* on appeal. In the *Order*, the FCC formally adopts rules that

⁵ *In the Matter of Framework for Broadband Internet Service*, Notice of Inquiry, 25 F.C.C.R. 7866, 7879, 7885-88 (¶¶ 30-31, 42-50) (2010) (“*NOI*”); see *id.* at 7866-67 (¶¶ 1-2) (“*Comcast* appears to undermine prior understandings about the Commission’s ability” to regulate in this area and “[t]hese developments lead us to seek comment on our legal framework for broadband Internet service.”).

⁶ Austin Schlick, *A Third-Way Legal Framework for Addressing the Comcast Dilemma* 2, 9, 10 (May 6, 2010) (“*Schlick Statement*”); see also *id.* at 1 (conceding that *Comcast* “casts serious doubt on the FCC’s current strategy” for regulating broadband Internet access service); Chairman Julius Genachowski, *The Third Way: A Narrowly Tailored Broadband Framework* 3 (May 6, 2010) (“[T]he [*Comcast*] opinion . . . cast serious doubt on the particular legal theory the Commission used for the past few years to justify its backstop role with respect to broadband Internet communications. The opinion therefore creates a serious problem that must be solved . . .”).

regulate the broadband Internet access services offered by wireless and wireline providers. According to the *Order* itself, the Commission addressed the “significant uncertainty regarding the future enforcement of open Internet principles and what constitutes appropriate network management, particularly in the wake of the court of appeals’ vacatur of the *Comcast Network Management Practices Order*.” *Order* ¶ 42; *see also id.* at p. 141 (Copps, Comm’r, concurring) (“Today, we finally try to patch the hole left by the *Comcast* decision”); *id.* at p. 148 (McDowell, Comm’r, dissenting) (“[T]he Order is designed to circumvent the D.C. Circuit’s *Comcast* decision”).

As in *Comcast*, the purported legal authority for the *Order* derives from, *inter alia*, Section 706 of the 1996 Act and Section 201 of the Communications Act. *See id.* ¶¶ 117-23, 125. Indeed, the Commission’s entire discussion of authority—particularly its analysis of Section 706, *see id.* ¶¶ 116, 118-21—repeatedly references *Comcast* and the precedents discussed therein. *See generally id.* ¶¶ 115-37. The *Comcast Order* and the *Order* thus address the same basic question of the Commission’s statutory authority to regulate broadband Internet access services, and the two decisions rely on some of the identical statutory provisions in attempting to justify authority over such services.

3. The interests of judicial economy and consistency would best be served by assigning this case to the *Comcast* panel. Assignment to the same panel

is appropriate “where the same or inter-related proceeding was previously under review in a court of appeals, and is now brought for review . . . in a follow-on phase, where continuance of the same appellate tribunal is necessary ‘to maintain continuity in the total proceeding.’” *Pub. Serv. Comm’n v. Fed. Power Comm’n*, 472 F.2d 1270, 1272-73 (D.C. Cir. 1972) (per curiam); *see, e.g., Lincoln Tel. & Tel. Co. v. FCC*, 659 F.2d 1092, 1094 n.8 (D.C. Cir. 1981) (noting case was assigned to same panel as heard prior cases “intimately connected with” it). Assignment to the same panel helps to ensure “consistent decisions” and furthers “judicial economy.” *Cooley v. Strickland*, 474 F.3d 268, 271 (6th Cir. 2007); *cf. Handbook of Practice and Internal Procedures*, U.S. Court of Appeals for the D.C. Circuit at 47 (Dec. 2010) (explaining that “the interest of judicial economy and consistency of decisions” guides determination whether a panel to which a previous case has been assigned will hear a related case).

Here, the *Comcast Order* and the *Order* clearly are successive steps in a unitary effort by the Commission to establish its legal authority over broadband Internet access service. Not surprisingly, then, one of primary bases on which two of the Commissioners dissented was that the *Order* conflicts with this Court’s decision in *Comcast*.⁷ Moreover, the *Order* was issued in the same docket as the

⁷ *See, e.g., Order* at p. 149 (McDowell, Comm’r, dissenting) (“[T]he Order’s legal analysis ignores the fundamental teaching of the *Comcast* case”); *id.* at

Comcast Order. Cf. *Competitive Telecomms. Ass’n v. FCC*, 1998 WL 135461, at *1 (D.C. Cir. Feb. 20, 1998) (finding, in context of motion to transfer, that two cases “associated with” the same docket numbers sought review of the “same order”). And, as the above description shows, the *Order*, by both its terms and procedural history, is clearly the FCC’s “follow-on,” *Pub. Serv. Comm’n*, 472 F.2d at 1273, effort to establish the statutory authority that *Comcast* found the agency had failed to demonstrate.

In sum, this appeal is “intimately connected with” *Comcast*. *Lincoln Tel. & Tel. Co.*, 659 F.2d at 1094 n.8. Indeed, the appeal will focus on the question whether the *Order* conflicts with *Comcast*, and its resolution thus will turn on the meaning and scope of that decision. Even counsel for the FCC has represented to this Court, as noted above, that “the holding” of *Comcast* would directly affect the question of authority now presented by this case.

The *Comcast* panel is uniquely situated to address these important questions. The panel is “most intimately familiar with the underlying merits issues,” *Cooey*, 474 F.3d at 271, and highly versed in the substantial body of material regarding the procedural history, statutory scheme, and precedent underlying this ongoing

(Continued . . .)

p. 190 (Baker, Comm’r, dissenting) (“The Commission raised this identical [Section 706] argument to the *Comcast* court, and it was appropriately rejected.”).

controversy. Assignment of this appeal to the *Comcast* panel thus would ““maintain continuity in the total proceeding,”” *Pub. Serv. Comm’n*, 472 F.2d at 1273, and promote “judicial economy,” *Cooey*, 474 F.3d at 271.

* * *

For the foregoing reasons, Verizon respectfully requests that the Court assign this case to the *Comcast* panel.

Respectfully submitted,

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Dated: January 20, 2011

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CERTIFICATE OF PARTIES AND AMICI

Pursuant to Rules 27(a)(4) and 28(a)(1)(A) of this Court, Appellant Verizon states as follows:

The parties to this case are Appellant Verizon and Appellee Federal Communications Commission.

As set forth in the appendix to the *Order* on appeal, the persons who appeared before the agency in the proceedings below are:

100 Black Men of America *et al.*
2Wire, Inc.
4G Americas, LLC
4Info, Inc.
ACT 1 Group *et al.*
Adam Candeub and Daniel John McCartney
ADTRAN, Inc.
Adventia Innovative Systems
African American Chamber of Commerce - Milwaukee
African Methodist Episcopal Church
Aircell LLC
Akamai Technologies, Inc.
Alabama State Conference of the NAACP
Alarm Industry Communications Committee
Alcatel-Lucent
Allbritton Communications Company
Alliance for Digital Equality
Alliance for Telecommunications Industry Solutions
Amazon.com
American Arab Chamber of Commerce
American Association of Independent Music
American Association of People with Disabilities
American Business Media
American Cable Association
American Center for Law and Justice
American Civil Rights Union

American Consumer Institute CCR
 American Council of the Blind
 American Federation of Television & Radio Artists, Directors Guild of
 America, International Alliance of Theatrical Stage Employees, Screen
 Actors Guild
 American Homeowners Grassroots Alliance
 American Homeowners Grassroots Alliance
 American Indian Chamber of Commerce of Wisconsin
 American Legislative Exchange Council
 American Library Association, Association of Research Libraries,
 EDUCAUSE
 Americans for Prosperity
 Americans for Tax Reform and Media Freedom Project
 Americans for Tax Reform Digital Liberty Project
 Americans for Technology Leadership
 Annie McGrady
 Anti-Defamation League
 AOL Inc.
 Arts+Labs
 Asian American Justice Center
 Assemblywoman Debbie Smith
 Association for Competitive Technology
 Association of Research Libraries
 Association of Research Libraries, EDUCAUSE, Internet2, NYSERNet, and
 ACUTA
 AT&T Inc.
 Automation Alley
 Ball State University Center for Information and Communications Science
 Barbara S. Esbin
 Big Brothers Big Sisters of Will and Grundy Counties
 Black Leadership Forum, Inc.
 Bret Swanson, President, Entropy Economics LLC
 Bright House Networks, LLC
 Broadband Institute of California and Broadband Regulatory Clinic
 Broadcast Music, Inc.
 BT Americas Inc.
 BT Americas Inc.
 Cablevision Systems Corporation
 California Consumers for Net Neutrality
 California Public Utilities Commission

Camiant, Inc.
Carbon Disclosure Project
Career Link Inc.
CDMA Development Group, Inc.
Center for Democracy & Technology
Center for Individual Freedom
Center for Media Justice, Consumers Union, Media Access Project, and
New America
Center for Rural Strategies
Center for Social Media
Central Washington Hispanic Chamber of Commerce
CenturyLink
Chairman Kenneth D. Koehler, McHenry County Board
Chamber of Commerce of St. Joseph County
Charter Communications
Christopher S. Yoo
Christopher Sacca
Cincinnati Bell Wireless LLC
Cisco Systems, Inc.
City of Philadelphia
Clearwire Corporation
Coalition of Minority Chambers
ColorOfChange.org
Comcast Corporation
Communications Workers of America
Communications Workers of America—District 2 in West Virginia
Communications Workers of America—Local 3806
Communications Workers of America—Local 4900
Competitive Enterprise Institute
COMPTEL
CompTIA
Computer & Communications Industry Association
Computer Communications Industry Association, Consumer Electronics
Association
Computing Technology Industry Association
CONNECT
Connecticut Association for United Spanish Action, Inc.
Connecticut Technology Council
Consumer Policy Solutions
Corning Incorporated

Corporation for National Research Initiatives
Council of Baptist Pastors of Detroit & Vicinity, Inc.
Covad Communications Company
Cox Communications, Inc.
Craig Settles (Successful.com)
CREDO Action
Cricket Communications, Inc.
CTIA - The Wireless Association
CWA Indiana State Council
CWA Local 4900
Damian Kulash
Daniel Lyons
Data Foundry, Inc.
David Clark, William Lehr, and Steve Bauer
David D.F. Uran, Mayor, City of Crown Point, Indiana
Deborah Turner
Debra Brown
Derek Leebaert
Dickinson Area Partnership
Digital Education Coalition
Digital Entrepreneurs
Digital Society
DISH Network L.L.C.
Distributed Computing Industry Association
Downtown Springfield, Inc.
EarthLink, Inc.
Eastern Kentucky's Youth Association for the Arts, Inc.
Economic Development Council of Livingston County
Eight Mile Boulevard Association
El Centro
Electronic Frontier Foundation
Elgin Area Chamber
Elizabeth A. Dooley, Ed. D.
Entertainment Software Association
Ericsson Inc.
Erie Neighborhood House
Fiber-to-the-Home Council
Free Press
Frontier Communications
Future of Music Coalition

Future of Privacy Forum
G. Baeslack
General Communication, Inc.
Genesee Regional Chamber of Commerce
George Ou
Georgetown/Scott County Kentucky Chamber of Commerce
Georgia Minority Supplier Development Council
Global Crossing North America, Inc.
Global Intellectual Property Center
Google Inc.
Great River Economic Development Foundation
Greater Kokomo Economic Development Alliance
GSM Association
GVNW Consulting, Inc.
Hamilton County Alliance
Hance Haney
Hannah Miller
Harris Corporation
HB Clark
Hispanic Leadership Fund
Hispanic Technology and Telecommunications Partnership
Hmong/American Friendship Association, Inc.
Hughes Network Systems, LLC
Illinois Hispanic Chamber of Commerce
Independent Creator Organizations
Independent Film & Television Alliance
Independent Telephone & Telecommunications Alliance
Indiana Secretary of State
Indianapolis Urban League
Information and Communications Manufacturers and Service Providers
Information Technology and Innovation Foundation
Information Technology Industry Council
Information Technology Industry Council
Information Technology Industry Council
Institute for Emerging Leaders, Inc.
Institute for Liberty
Institute for Policy Innovation
Institute for Policy Integrity
Intellectual Property and Communications Law Program at Michigan State
University College of Law

International Documentary Association, Film Independent, and others
Internet Freedom Coalition
Internet Innovation Alliance
Internet Society
Intrado Inc. and Intrado Communications Inc.
Ionary Consulting
Jared Morris
Jeanne K. Magill, Pabst Farms Development Inc.
Joe Armstrong, Tennessee State Representative
Joe Homnick
John Palfrey
John Staurulakis, Inc.
Johnson County Board of Commissioners
Joint Center for Political and Economic Studies
Joliet Region Chamber of Commerce & Industry
Kankakee County Farm Bureau
Karen Kerrigan, President & CEO, Small Business & Entrepreneurship
Council
Karen Maples
Kentucky Commission on the Deaf and Hard of Hearing
Labor Council for Latin American Advancement
Lake Superior Community Partnership
Lakewood Chamber of Commerce
Latin American Chamber of Commerce of Charlotte
Latin Chamber of Commerce of Nevada
Latinos for Internet Freedom and Media Action Grassroots Network
Latinos in Information Sciences & Technology Association
Laurence Brett Glass, d/b/a LARIAT
Laurence Brett Glass, d/b/a LARIAT
Lawrence E. Denney, Speaker of the House, State of Idaho
Lawrence County Economic Growth Council
Lawrence Morrow
Leadership East Kentucky
League of United Latin American Citizens
Leap Wireless International, Inc. and Cricket Communications, Inc.
Level 3 Communications LLC
Links Technology Solutions, Inc.
Lisa Marie Hanlon, TelTech Communications LLC
M3X Media, Inc.
Mabuhay Alliance

Maneesh Pangasa
 Mary-Anne Wolf
 Matthew J. Cybulski
 Mayor Brad Stephens
 Mayor George Pabey, City of East Chicago, Indiana
 Mayor Leon Rockingham, Jr.
 Mayor Rudolph Clay, Gary, Indiana
 McAllen Solutions
 Media Action Grassroots Network, ColorOfChange.org, Presente.org,
 Applied Research Center, Afro-Netizen, National Association of
 Hispanic Journalists, Native Public Media, and Rural Broadband Policy
 Group
 MegaPath, Inc. and Covad Communications Company
 Messaging Anti-Abuse Working Group
 MetroPCS Communications, Inc.
 Michele Hodges, Troy Chamber
 Microsoft Corp.
 Mid-Atlantic Community Papers Association, on behalf of Association of
 Free Community Papers, Community Papers of Michigan, Free
 Community Papers of New York, Community Papers of Florida,
 Midwest Free Community Papers, Community Papers of Ohio and West
 Virginia, Southeastern Advertising Publishers Association, Wisconsin
 Community Papers
 Mike Riley
 Ministerial Alliance Against the Digital Divide
 Mississippi Center for Education Innovation
 Mississippi Center for Justice
 MLB Advanced Media, L.P.
 Mobile Future
 Mobile Internet Content Coalition
 Motion Picture Association of America, Inc.
 Motorola, Inc.
 Nacional Records
 Nate Zolman
 National Association for the Advancement of Colored People
 National Association of Manufacturers
 National Association of Realtors
 National Association of State Utility Consumer Advocates
 National Association of Telecommunications Office & Advisors
 National Black Chamber of Commerce

National Cable & Telecommunications Association
 National Coalition on Black Civic Participation
 National Council of La Raza
 National Emergency Number Association
 National Exchange Carrier Association, Inc.
 National Exchange Carrier Association, Inc., National Telecommunications
 Cooperative Association, Organization for the Promotion &
 Advancement of Small Telecommunication Companies, Eastern Rural
 Telecom Association, Western Telecommunications Alliance
 National Farmers Union
 National Foundation for Women Legislators High Speed Internet Caucus
 National Hispanic Caucus of State Legislators
 National Hispanic Media Coalition
 National Medical Association
 National Organization of Black Elected Legislative Women
 National Organization of Black Elected Legislative Women *et al.*
 National Organizations
 National Rural Health Association
 National Spinal Cord Injury Association
 National Taxpayers Union
 National Telecommunications Cooperative Association
 National Urban League
 Netflix, Inc.
 Network 2010
 New America Foundation
 New Jersey Rate Counsel
 New York State Office of Chief Information Officer/Office for
 Nicholas Bramble, Information Society Project at Yale Law School
 Nikolaus E. Leggett
 Nippon Telegraph and Telephone Corporation
 Nokia Siemens Networks US LLC
 Northern Nevada Black Cultural Awareness Society
 Office of the Attorney General of Virginia
 Office of the Mayor, City of Peru
 Older Adults Technology Services, Inc.
 Open Internet Coalition
 Open Media and Information Companies Initiative
 Operation Action U.P.
 Oregon State Grange
 Organization for the Promotion & Advancement of Small

Telecommunication Companies
PAETEC Holding Corp.
Patricia Dye
Performing Arts Alliance
Phil Kerpen, Vice President, Americans for Prosperity
Barbara A. Cherry
Catherine Sandoval and Broadband Institute of California
Christopher S. Yoo
Scott Jordan
Property Rights Alliance
Public Interest Advocates
Public Interest Commenters
QUALCOMM Incorporated
Qwest Communications International Inc.
R. L. Barnes
Rainbow PUSH Coalition
Recording Industry Association of America
Red Hat, Inc.
Rev. W.L.T. Littleton
Richmond Chamber of Commerce
RNK Communications
Robert K. McEwen dba PowerView Systems
Robert Steele, Cook County Commissioner
Rural Cellular Association
Safe Internet Alliance
Saint Xavier University
Sandvine Inc.
Satellite Broadband Commenters
SavetheInternet.com
Scott Cleland
Sean Kraft
Sean Sowell
Seth Johnson
Shelby County Development Corporation
Skype Communications S.A.R.L.
Sling Media, Inc.
Smartcomm, LLC
Smithville Telephone Company
Software & Information Industry Association
Songwriters Guild of America

Sony Electronics Inc.
 Southern Company Services, Inc.
 Southern Wayne County Regional Chamber of Commerce
 Sprint Nextel Corp.
 St. Louis Society for the Blind and Visually Impaired
 Stephen Beck
 Steve Forte, Chief Strategy Officer, Telerik
 stic.man of Dead Prez
 SureWest Communications
 Susan Jacobi
 TDS Telecommunications Corp.
 Tech Council of Maryland
 TechAmerica
 Technology (CIO/OFT)
 Telecom Italia, S.P.A.
 Telecom Manufacturer Coalition
 Telecommunications Industry Association
 TeleDimensions, Inc.
 Telefonica S.A.
 Telephone Association of Maine
 Texas Office of Public Utility Counsel
 Texas Public Policy Foundation
 Texas Statewide Telephone Cooperative, Inc.
 The Ad Hoc Telecommunications Users Committee
 The Berroteran Group
 The Disability Network
 The Free State Foundation
 The Greater Centralia Chamber of Commerce & Tourism Office
 The Greenlining Institute
 The Heartland Institute
 The Nebraska Rural Independent Companies
 The Senior Alliance
 Thomas C. Poorman, President, Zanesville-Muskingum County Chamber of
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 Thomas Richard Reinsel, Executive in Residence, Sewickley Oak Capital
 Thomas W. Hazlett
 Tim Wu
 Time Warner Cable Inc.

T-Mobile USA, Inc.
tw telecom inc.
U.S. Chamber of Commerce
Union Square Ventures
United Service Organizations of Illinois
United States Hispanic Chamber of Commerce
United States Telecom Association
UNITY: Journalists of Color, Inc.
Upper Peninsula Economic Development Alliance
Upper Peninsula Health Plan
Urban League of Metropolitan Seattle
Various Advocates for the Open Internet
Verizon and Verizon Wireless
Via Christi Health System eCare-ICU
Village of Maywood
Vincent Watts of the Greater Stark County Urban League
Voice on the Net Coalition
Vonage Holdings Corp.
Voto Latino
Washington State Grange
Wayne Brough, James Gattuso, Hance Haney, Ryan Radia, and James
Lakely
Windstream Communications, Inc.
Winston-Salem Urban League
Wireless Communications Association International, Inc.
Wireless Internet Service Providers Association
World Institute on Disability *et al.*
Writers Guild of America, East AFL-CIO
Writers Guild of America, West, Inc.
Writers Guild of America, West, Inc.
XO Communications, LLC
YWCA of St. Joseph County

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rules 26.1 and 27(a)(4) of this Court, Verizon hereby submits the following corporate disclosure statement:

The Verizon companies participating in this filing are Cellco Partnership, d/b/a Verizon Wireless, and the regulated, wholly-owned subsidiaries of Verizon Communications Inc. Cellco Partnership, a general partnership formed under the law of the State of Delaware, is a joint venture of Verizon Communications Inc. and Vodafone Group Plc. Verizon Communications Inc. and Vodafone Group Plc indirectly hold 55 percent and 45 percent partnership interests, respectively, in Cellco Partnership. Both Verizon Communications Inc. and Vodafone Group Plc are publicly-traded companies. Verizon Communications Inc. has no parent company. No publicly held company owns 10 percent or more of Verizon Communications Inc.'s stock. Insofar as relevant to this litigation, Verizon's general nature and purpose is to provide communications services, including broadband Internet access services provided by its wholly-owned telephone company and Verizon Online LLC subsidiaries and by Verizon Wireless.

CERTIFICATE OF SERVICE

I, Brett A. Shumate, hereby certify that on January 20, 2011, I caused
Verizon's Motion to Assign Case to the Panel That Decided *Comcast Corp. v.*
FCC to be delivered by hand and electronic mail to:

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Brett A. Shumate