

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-8002**

**September Term 2011**

**1:08-cv-00397-JR**

**Filed On:** December 7, 2011

In re: PaeTec Communications, Inc.,

Petitioner

**BEFORE:** Garland, Brown, and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of the petition for permission to appeal pursuant to 28 U.S.C. § 1292(b), the opposition thereto, the reply, and the brief of *amici curiae* in support of the petition; and the joint motion to remove case from abeyance, it is

**ORDERED** that the motion to remove case from abeyance be granted. It is

**FURTHER ORDERED** that the petition for permission to appeal be granted. See 28 U.S.C. § 1292(b). Approval of the petition is without prejudice to reconsideration by the merits panel. It is

**FURTHER ORDERED**, on the court's own motion, that the Federal Communications Commission be invited to participate as *amicus curiae* in the appeal.

The Clerk is directed to transmit a certified copy of this order to the district court. The district court will file the order as a notice of appeal pursuant to Fed. R. App. P. 5 and collect the mandatory docketing fee from appellants. Upon payment of the fee, the district court is to certify and transmit the preliminary record to this court, after which the case will proceed in the normal course.

**Per Curiam**