

Court Dismisses Verizon Net Neutrality Appeal -- For Now

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Back in January, we posted on [Verizon's attempt to appeal the FCC's Net Neutrality order](#). Verizon presented a controversial claim that the order was a "licensing" decision which limited review to the U.S. Court of Appeals for the D.C. Circuit. The FCC opposed that interpretation.

If successful, Verizon's preemptive move would have prevented a lottery from deciding which court of appeals considered the Net Neutrality order. Yesterday, however, the D.C. Circuit dismissed Verizon's appeal as premature.

The Court's brief opinion is available [here](#). The key portion is as follows:

The challenged order is a rulemaking document subject to publication in the Federal Register, and is not a licensing decision "with respect to specific parties."

Accordingly, the statutory provision granting the D.C. Circuit exclusive jurisdiction over certain appeals does not apply. Verizon may challenge the order after it appears in the *Federal Register*. At that point, we expect many parties to file appeals (both supporting and opposing net neutrality rules). A lottery will then decide which court actually hears the case.