

Verizon Appeals Net Neutrality Order

January 21, 2011

In a controversial move, yesterday Verizon filed an appeal of the FCC's [Net Neutrality Order](#) adopted December 21. Verizon sought review in the U.S. Court of Appeals for the D.C. Circuit -- and asked the same panel that decided the [Comcast case](#) to hear the appeal.

Verizon's appeal is controversial because it was filed before the FCC has published notice of the Net Neutrality Order in the *Federal Register*. Appeals taken under the more common review provision -- section 402(a) of the Communications Act -- may not be filed prior to *Federal Register* publication, and the courts will conduct a lottery among all courts where appeals were filed within the first 10 days to determine which circuit will hear the case. Verizon's move is an attempt to force review in the D.C. Circuit, where the *Comcast* decision also was considered.

Verizon's petition for review is available [here](#). Verizon's appeal relies upon section 402(b) of the Communications Act, asserting that the Net Neutrality Order modified Verizon's wireless licenses and thus that 402(b) applies. Verizon's motion for consideration of the appeal by the *Comcast* panel is available [here](#).