

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

AMERICAN CABLE ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES
OF AMERICA,

Respondents.

Case No. _____

PETITION FOR REVIEW

The American Cable Association (“ACA”) petitions the Court for review of the Report and Order on Remand, Declaratory Ruling, and Order issued by the Federal Communications Commission (“FCC”) in *In the Matter of Protecting and Promoting the Open Internet*, GN Docket No. 14-28, FCC 15-24 (rel. Mar. 12, 2015), 80 Fed. Reg. 19,737 (publ. Apr. 13, 2015) (“Open Internet Order”). A copy of the Open Internet Order is contained on the included CD-ROM as Exhibit A.

This Court has jurisdiction under 28 U.S.C. § 2342(1) and venue is proper in this Court under 28 U.S.C. § 2343.

ACA is a trade association of small and medium-sized cable companies, many of which provide broadband Internet access service. ACA regularly represents its members and their interests before Congress and regulatory agencies

such as the FCC, and it participated in the Commission proceeding below on behalf of its members. ACA's members will be directly and adversely affected by the FCC's Open Internet Order. The order (among other things) reclassifies broadband Internet access service as a "telecommunications service" subject to common carrier regulation under Title II of the Telecommunications Act of 1996, 47 U.S.C. §§201 *et seq.* The FCC declared that it would forbear from applying many provisions of Title II to broadband Internet access service, but would not forbear from applying sections 201, 202, 208, 222, 224, 225, 254, 251(a)(2), and 255. Open Internet Order ¶¶51-57. Those provisions impose significant new regulatory requirements—including substantive prohibitions, mandatory procedures, and record-keeping requirements—on ACA's members, many of which have never previously been subject to Title II regulation of any sort. The order also imposes three "open Internet" rules on broadband internet providers: (1) a rule against blocking lawful content, applications, services, and non-harmful devices; (2) a rule against throttling lawful content, applications, services, and non-harmful devices; and (3) a rule against paid prioritization of data traffic. *Id.* ¶¶15, 16, 18.

ACA seeks relief from the FCC's Open Internet Order on the grounds that it is arbitrary, capricious, in excess of the FCC's statutory authority, contrary to the Constitution, and otherwise not in accordance with law. ACA requests that the

Court hold unlawful, vacate, and set aside the Open Internet Order and grant any other necessary and proper relief.

April 14, 2015

Respectfully submitted,



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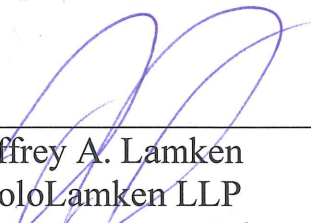
CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the D.C. Circuit Rules and Rule 26.1 of the Federal Rules of Appellate Procedure, petitioner American Cable Association (“ACA”) states as follows: The American Cable Association has no parent corporation and no publicly held corporation owns 10% or more of its stock, pays 10% or more of its dues, or possesses or exercises 10% or more of the voting control of ACA.

As relevant to this litigation, ACA is a trade association of small and medium-sized cable companies, many of which provide broadband Internet access service. ACA is principally engaged in representing the interests of its members before Congress and regulatory agencies such as the Federal Communications Commission.

April 14, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

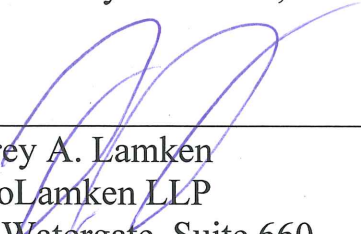
I, Jeffrey A. Lamken, hereby certify that a copy of the foregoing
Petition for Review and Corporate Disclosure Statement has been served via
hand delivery this 14th day of April, 2015, upon each of the following
parties:

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