

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

STATE OF WISCONSIN, *ET AL.*,

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA,

Respondents.

No. 16-1219

PETITION FOR REVIEW


Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, the State of Wisconsin, State of Arkansas, State of Idaho, State of Indiana, State of Michigan, State of Montana, State of Nebraska, State of South Dakota, State of Utah, Connecticut Public Utilities Regulatory Authority, Mississippi Public Service Commission, and Vermont Public Service Board (“the States”) hereby petition this Court for review of an order of the Federal Communications Commission (“Commission”). *See* Third Report and Order, Further Report and Order, and Order on Reconsideration, *In the Matter(s) of Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, WC Docket Nos. 11-42, 09-197, & 10-90 (“Order”). The *Order*, a copy of which is attached to this

petition, was released on April 27, 2016, and an erratum was released on May 6, 2016. The new regulations adopted in the *Order* were published in the Federal Register on May 24, 2016. *See* 81 Fed. Reg. 33,026. Venue is proper under 28 U.S.C. § 2343.

The States seek review of the *Order*'s creation of a new, federal Eligible Telecommunications Carriers (ETC) designation process and its asserted preemption of the State commissions' primary authority to designate ETCs with respect to broadband services. The States seek review on the grounds that this part of the *Order* exceeds the Commission's jurisdiction or authority, violates the Communications Act of 1934 and the notice-and-comment requirements of the Administrative Procedure Act, and is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law. The States request that this Court hold unlawful, vacate, enjoin, and set aside this part of the *Order*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June 2016, a copy of the foregoing Petition for Review was served upon the parties listed below by shipment via FedEx, Priority Overnight.


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