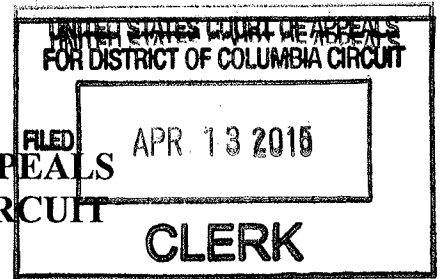


APR 13 2015

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

RECEIVED



UNITED STATES TELECOM ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,

Respondents.

Case No. 15-1063

SUPPLEMENTAL PETITION FOR REVIEW

Pursuant to 5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Federal Rule of Appellate Procedure 15(a), the United States Telecom Association (“USTelecom”) hereby petitions this Court for review of the order of the Federal Communications Commission (“FCC”) captioned *In re Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, GN Docket No. 14-28, FCC 15-24 (rel. Mar. 12, 2015) (“Order”). USTelecom is providing an electronic copy of the Order on compact disc with this petition. The new regulations in the *Order* were published in the Federal Register on April 13, 2015. *See* 80 Fed. Reg. 19,738.

This petition supplements the protective petition for review of the Order that USTelecom filed on March 23, 2015. *See United States Telecom Ass’n v. FCC*, No. 15-1063 (D.C. Cir. filed Mar. 23, 2015). This Court has encouraged

petitioners, in circumstances such as those here where the triggering event for petitioning for review is unclear, to file a supplemental petition for review. *See, e.g., Horsehead Res. Dev. Co. v. EPA*, 130 F.3d 1090, 1095 (D.C. Cir. 1997); *Western Union Tel. Co. v. FCC*, 773 F.2d 375, 380 (D.C. Cir. 1985).

Venue is proper in this Court pursuant to 28 U.S.C. § 2343 and 28 U.S.C. § 2112(a)(3), (5).

After this Court vacated and remanded the FCC's previous attempt at Internet regulation in *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014), the FCC initiated a rulemaking proceeding and ultimately issued the Order under review. Order ¶¶ 7, 10. That Order purports to reclassify broadband Internet access service as a Title II telecommunications service.

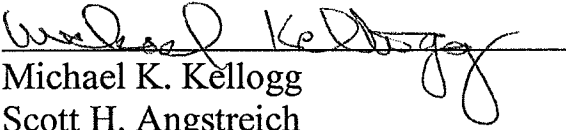
USTelecom seeks review of the Order on the grounds that it is arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; violates federal law, including, but not limited to, the Constitution, the Communications Act of 1934, as amended, and FCC regulations promulgated thereunder; conflicts with the notice-and-comment rulemaking requirements of 5 U.S.C. § 553; and is otherwise contrary to law.

USTelecom respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the Order, and that it provide such additional relief as may be appropriate.

Dated: April 13, 2015

Respectfully submitted,

Jonathan Banks
United States Telecom Association
607 14th Street, N.W.
Suite 400
Washington, D.C. 20005
(202) 326-7272


Michael K. Kellogg
Scott H. Angstreich
Kellogg, Huber, Hansen, Todd,
Evans & Figel, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 326-7900

Kathleen M. Sullivan
Quinn, Emanuel, Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
(212) 849-7000

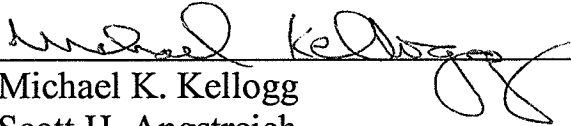
Counsel for Petitioner United States Telecom Association

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and this Court's Rule 26.1, USTelecom respectfully submits the following corporate disclosure statement. USTelecom states that it has no parent corporation and that no publicly held corporation owns 10% or more of its stock.

Dated: April 13, 2015

Respectfully submitted,



Michael K. Kellogg
Scott H. Angstreich
Kellogg, Huber, Hansen, Todd,
Evans & Figel, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036

*Counsel for Petitioner United States
Telecom Association*

CERTIFICATE OF SERVICE

I hereby certify that, on April 13, 2015, I caused one copy of the foregoing Supplemental Petition for Review to be served on the following counsel by the manner indicated:

*By First Class Mail and
Electronic Mail*

Jonathan Sallet
General Counsel
Federal Communications
Commission
Room 8-A741
445 12th Street, S.W.
Washington, D.C. 20554
Jonathan.Sallet@fcc.gov

By First Class Mail

Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530



Michael K. Kellogg