

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

FREE PRESS,
Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and the UNITED STATES OF AMERICA,
Respondents.

Case No. _____

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), Free Press hereby petitions this Court for review of the order of the Federal Communications Commission (“FCC”) captioned *In the Matter of Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, WC Docket No. 17-108, FCC 17-166 (released Jan. 4, 2018) (“Order”) (attached). A summary of the Order was published in the Federal Register on February 22, 2018. 83 Fed. Reg. 7852. The Order repeals a prior order enforcing internet neutrality, which was upheld by the D.C. Circuit in *United States*

Telecom Ass'n v. FCC, 825 F.3d 674 (D.C. Cir. 2016), *petitions for cert. filed*, Nos. 17-498 – 17-504 (Oct. 3, 2017).*

Venue is proper in this Court pursuant to 28 U.S.C. § 2343. Free Press participated in the proceedings that led to the Order and has standing to seek review of the Order under 28 U.S.C. § 2344 as a party aggrieved by the Order. Among other things, Free Press is among the class of consumers of broadband internet access services entitled to the protections repealed by the present Order.

Free Press 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 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.

Free Press respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the Order; remand to the FCC for further proceedings; and provide such additional relief as may be appropriate.

* Free Press previously filed a Protective Petition for Review of the Order in the U.S. Court of Appeals for the First Circuit. *See* Docket No. 18-1053. On February 9, 2018, respondents in that case filed a Motion to Dismiss for Lack of Jurisdiction (Doc. No. 00117254523), and on February 16, 2018, petitioners and respondents filed a Joint Stipulation of Voluntary Dismissal Pursuant to Fed. R. App. P. 42(b) (Doc. No. 00117257308). The First Circuit entered judgment dismissing the appeal on February 22, 2018 (Doc. No. 00117258849).

Dated: March 1, 2018

Respectfully submitted,

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1(a), Free Press states that it is a national, nonpartisan, nonprofit organization with no parent corporation and no publicly held corporation owning 10% or more of its stock or other interest in the organization.

Dated: March 1, 2018

Respectfully submitted,

s/ Kevin K. Russell

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CERTIFICATE OF SERVICE

I hereby certify that, on March 1, 2018, I caused a copy of the foregoing Petition for Review to be served upon the following counsel in the manner indicated:

*By First Class Mail and
Electronic Mail*

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