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

CENTER FOR DEMOCRACY AND
TECHNOLOGY,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES OF
AMERICA,

Respondents.

CASE NO.:

PETITION FOR REVIEW

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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 Center for Democracy and Technology (“CDT”) 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 (February 22, 2018). This petition is timely pursuant to 28 U.S.C. § 2344 because it is being filed within 60 days of publication of the Order in the Federal Register.¹ CDT’s principal office is located in Washington DC, and thus venue is proper in this Court pursuant to 28 U.S.C. § 2343.

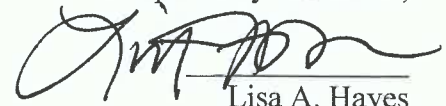
¹ On February 27, 2018, this Court consolidated cases 18-1051, 18-1052, 18-1053, 18-1054, 18-1055, 18-1056, 18-1061, and 18-1062 because they all sought to challenge the Order. *See* Case No. 18-1052, Doc No. 1719775. CDT respectfully asks that this petition be similarly consolidated.

In 2015, the FCC adopted a rule that, *inter alia*, classified broadband Internet service as a telecommunications service regulated under Title II of the Communications Act of 1934, and prohibited broadband Internet service providers from blocking, degrading, or interfering with Internet traffic. *Protecting and Promoting the Open Internet*, 30 FCC Rcd 5601 (2015), affirmed sub nom. *United States Telecom v. FCC*, 825 F.3d 674 (D.C. Cir. 2016), petitions for cert. filed, Nos. 17-498-17-504 (Oct. 3, 2017). The Order repeals that earlier decision. Among other things, CDT is among the class of consumers of broadband internet access services entitled to the protections repealed by the present Order.

CDT seeks review of the Order in this Court on the grounds that it is arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, as amended 5 U.S.C. §701, 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.

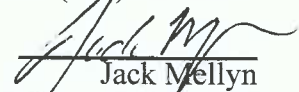
CDT respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the Order; remand to the FCC for further proceedings; and provide all such other relief as may be just and proper.

Respectfully submitted,



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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, the Center for Democracy & Technology (“CDT”) states as follows:

CDT is a 501(c)(3) non-profit corporation. It is a champion of global online civil liberties and human rights, driving policy outcomes that keep the internet open, innovative, and free. As a non-profit corporation, CDT does not issue stock. It has no parent companies, subsidiaries, or affiliates.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Jack Mellyn, hereby certify that on March 5, 2018, I caused a copy of the foregoing Petition for Review and Corporate Disclosure Statement to be served on the following counsel by the manner indicated:

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