

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
FILED  
FEB 22 2018  
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FEB 22 2018 IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

RECEIVED

State of New York, State of California, State of  
Connecticut, State of Delaware, State of  
Hawaii, State of Illinois, State of Iowa,  
Commonwealth of Kentucky, State of Maine,  
State of Maryland, Commonwealth of  
Massachusetts, State of Minnesota, State of  
Mississippi, State of New Jersey, State of New  
Mexico, State of North Carolina, State of  
Oregon, Commonwealth of Pennsylvania, State  
of Rhode Island, State of Vermont,  
Commonwealth of Virginia, State of  
Washington, and the District of Columbia

Petitioners,

v.

Federal Communications Commission, and  
United States of America,

Respondents.

18-1055  
Case No. 18-\_\_\_\_\_

**PETITION FOR REVIEW**

Pursuant to Federal Rule of Appellate Procedure 15, Circuit Rule 15,  
5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, the  
States of New York, California, Connecticut, Delaware, Hawaii, Illinois,  
Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi,  
New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode  
Island, Vermont, Virginia, Washington, and the District of Columbia (State  
Petitioners) petition this Court for review of the order of the Federal  
Communications Commission (FCC) captioned *Restoring Internet Freedom*,

Declaratory Ruling, Report and Order, and Order, WC Docket No. 17-108, FCC 17-166, 83 Fed. Reg. 7852 (Feb. 22, 2018) (“Order”). A copy of the full text of the Order is attached as Exhibit 1.<sup>1</sup> Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

State Petitioners seek a determination by this Court that the Order 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. Accordingly, State Petitioners respectfully request that this Court hold unlawful, vacate, enjoin, and set aside the Order, and that it provide such additional relief as may be appropriate.

State Petitioners are filing this petition within ten days of publication of the summary of this Declaratory Ruling, Report and Order, and Order in the Federal Register, *see* Order ¶ 399, and thus request to be included in the judicial lottery procedure under 28 U.S.C. § 2112(a). *See also* 47 C.F.R. §§ 1.13 and 1.4(b)(1).

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<sup>1</sup> On January 16, 2018, State Petitioners and several other parties filed protective petitions for review in this Court. *See* Dkt. No. 18-1011. On February 16, 2018, the petitioners and the FCC filed a joint stipulation to withdraw the protective petitions voluntarily. *See* Doc. No. 1718363.

Dated: February 22, 2018

Respectfully Submitted,

FOR THE STATE OF NEW YORK

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A handwritten signature in cursive script, appearing to read "Steven C. Wu", written in black ink. The signature is positioned above a horizontal line.

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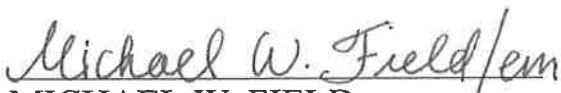
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I hereby certify that, on February 22, 2018, I caused one copy of the foregoing Petition for Review to be served on the following counsel by the manner indicated:

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