

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

- 1. CASE NO. 18-1305 2. DATE DOCKETED: 11/15/2018
3. CASE NAME (lead parties only) American Public Power Ass'n v. Federal Communications Commission
4. TYPE OF CASE: [X] Review [] Appeal [] Enforcement [] Complaint [] Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? [] Yes [X] No
6. CASE INFORMATION:
a. Identify agency whose order is to be reviewed: Federal Communications Commission
b. Give agency docket or order number(s): WT Doc No. 17-79 and WC Doc No. 17-84, FCC 18-133
c. Give date(s) of order(s): Released September 27, 2018, published in Fed. Reg. on October 15, 2018
d. Has a request for rehearing or reconsideration been filed at the agency? [X] Yes [] No
e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
f. Are any other cases involving the same underlying agency order pending in this Court or any other?
g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve substantially the same issues as the instant case presents?
h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution?

Signature Sean A Stokes Date 12/20/2018
Name of Counsel for Appellant/Petitioner Sean A. Stokes
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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.



**APPA DOCKETING STATEMENT
ATTACHMENT**

6(f). Are there any other cases involving the same underlying agency order pending in this Court or any other?

Yes, counsel is aware of the following cases:

U.S. Court of Appeals for the District of Columbia Circuit

- *AT&T Services, Inc. v. FCC*, No. 18-1294
- *City of Austin, Texas, Et Al v. USA*, No. 18-1326
- *City of Eugene, Oregon, Et Al v. FCC*, No. 18-1330

U.S. Court of Appeals for the Fourth Circuit

- *Montgomery County, Maryland, v. FCC*, No. 18-2448 (transfer to Tenth Circuit Pending)

U.S. Court of Appeals for the Eighth Circuit

- *City of North Little Rock, Arkansas, Et Al v. FCC*, No. 18-3678

U.S. Court of Appeals for the Ninth Circuit

- *City and County of San Francisco v. FCC*, No. 18-73376

U.S. Court of Appeals for the Tenth Circuit

- *Sprint Corp. v. FCC*, No. 18-9563
- *Verizon Commc'ns v. FCC*, No. 18-9566
- *Puerto Rico Tel. Co. v. FCC*, No. 18-9567
- *City of San Jose, California, Et Al v. FCC*, No. 18-9568
- *City of Seattle, Washington, Et Al v. FCC*, No. 18-9571
- *City of Huntington Beach, California, v. FCC*, No. 18-9572

6(h). Are there any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?

Yes, Counsel understands that the following cases may raise some similar issues to this case:

U.S. Court of Appeals for the District of Columbia Circuit

- *City of Austin, Texas, Et Al v. USA*, No. 18-1326
- *City of Eugene, Oregon, Et Al v. FCC*, No. 18-1330

U.S. Court of Appeals for the Eighth Circuit

- *City of North Little Rock, Arkansas, Et Al v. FCC*, No. 18-3678

U.S. Court of Appeals for the Ninth Circuit

- *City and County of San Francisco v. FCC*, No. 18-73376

U.S. Court of Appeals for the Tenth Circuit

- *City of San Jose, California, Et Al v. FCC*, No. 18-9568
- *City of Seattle, Washington, Et Al v. FCC*, No. 18-9571
- *City of Huntington Beach, California, v. FCC*, No. 18-9572

CERTIFICATE OF SERVICE

I hereby certify that, on December 20, 2018, I filed the foregoing in the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that all parties are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system, except for the following party who will be served via U.S. Mail.

By First Class Mail

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Acting Attorney General of the United States
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/s/Sean A. Stokes

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