

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

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City of San Jose, et al.,))	
))	
Petitioners,))	
))	
v.))	Case No.: 18-9568 (MCP No. 155)
))	
Federal Communications))	
Commission and United States of))	
America,))	
))	
Respondents.))	
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**UNOPPOSED MOTION OF
COMPETITIVE CARRIERS ASSOCIATION FOR
LEAVE TO INTERVENE AS OF RIGHT IN SUPPORT
OF RESPONDENTS**

Pursuant to 28 U.S.C. § 2348, Rule 15(d) of the Federal Rules of Appellate Procedure, and Tenth Circuit Rule 15.2, Competitive Carriers Association (“CCA”) hereby moves for leave to intervene as of right in support of Respondents in the above-captioned proceeding and any other proceeding with which it may be consolidated. Petitioners, Respondents, and Movant-Intervenor CTIA do not oppose this motion.

Petitioners seek review of the Declaratory Ruling and Report and Order of the Federal Communications Commission (“FCC” or “Commission”) captioned *Accelerating Wireless Broadband Deployment by Removing Barriers to*

Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133, WT Docket No. 17-79, WC Docket No. 17-84 (rel. Sept. 27, 2018) (“Order”). In the Order, the Commission addresses local regulatory barriers and streamlines wireless infrastructure siting review processes to facilitate deployment of next-generation facilities, including fifth generation or “5G” facilities.

CCA is an advocacy organization for competitive wireless carriers and stakeholders who have joined together to improve the lives of Americans through the delivery of wireless communications, particularly in rural and remote communities. CCA’s members include nearly 100 competitive wireless providers who serve all areas of the United States and will undertake the wireless infrastructure siting review processes that are the subject of the Order to continue to upgrade and expand networks serving consumers in all areas. CCA actively participated in the Commission proceedings below, and CCA and its members’ interests will be directly affected by this Court’s review of the Order. *See* 28 U.S.C. § 2348. Accordingly, CCA is an association entitled to intervene in this proceeding as of right. *Id.* Further, no other party can adequately protect CCA’s interests in this proceeding because, as an advocacy organization for competitive wireless carriers, CCA’s interests may diverge in certain respects from the Respondents and the other parties. *See* 10th Cir. R. 15.2(B)(1).

CCA therefore respectfully requests that it be granted leave to intervene as of

right in support of Respondents in the above-captioned proceeding. Pursuant to this Court's Preliminary Order Regarding the Consolidation Ordered by the Judicial Panel on Multidistrict Litigation, CCA also requests that it be deemed an Intervenor in any proceeding which is consolidated with this proceeding in the future.

Date: November 20, 2018

Respectfully submitted,

/s/ Jennifer P. Bagg
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*Counsel for Competitive Carriers
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CERTIFICATE OF CORPORATE DISCLOSURE

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure,
Competitive Carriers Association (“CCA”) hereby submits this Corporate Disclosure
Statement:

CCA has no parent corporations and does not issue stock.

Date: November 20, 2018

Respectfully submitted,

/s/ Jennifer P. Bagg

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing Motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d) because it contains 386 words. The Motion complies with the typeface and style requirements of Federal Rules of Appellate Procedure 27(d) and 32(a) because it has been prepared in a proportionally spaced typeface using Microsoft Word 14-point Times New Roman typeface.

Date: November 20, 2018

Respectfully submitted,

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CERTIFICATE OF DIGITAL SUBMISSION

In accordance with the Court's CM/ECF User's Manual, I hereby certify that:

- 1) All required privacy redactions have been made per Tenth Circuit Rule 25.5;
- 2) Hard copies of this pleading that may be required to be submitted to the Court are exact copies of the ECF filing; and
- 3) The ECF submission has been scanned for viruses with the most recent version of a commercial virus scanning program, Panda Endpoint Protection Plus version 7.70.00.0004 and, according to the program, is free of viruses.

Date: November 20, 2018

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CERTIFICATE OF SERVICE

I, Jennifer P. Bagg, certify that on November 20, 2018, I filed the foregoing electronically through this Court's CM/ECF system, which will send a notice of filing to all registered users. All participants in the case are registered CM/ECF users, and service will be accomplished through the CM/ECF system.

Date: November 20, 2018

Respectfully submitted,

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