

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

AT&T SERVICES, INC.,

Petitioner,

v.

UNITED STATES OF AMERICA and  
FEDERAL COMMUNICATIONS  
COMMISSION,

Respondents.

Case Nos. 18-1294  
(consolidated w/18-1305, 18-1326  
and 18-1330)

AMERICAN PUBLIC POWER  
ASSOCIATION,

Petitioner,

v.

UNITED STATES OF AMERICA and  
FEDERAL COMMUNICATIONS  
COMMISSION,

Respondents.

Case No. 18-1305

CITY OF AUSTIN, TEXAS, ET AL.,

Petitioners,

v.

UNITED STATES OF AMERICA and  
FEDERAL COMMUNICATIONS  
COMMISSION,

Respondents.

Case No. 18-1326

CITY OF BOWIE, MARYLAND, ET AL.,

Petitioners,

v.

UNITED STATES OF AMERICA and  
FEDERAL COMMUNICATIONS  
COMMISSION,

Respondents.

Case No. 18-1330

**MOTION OF THE NATIONAL ASSOCIATION OF  
TELECOMMUNICATIONS OFFICERS AND ADVISORS  
FOR LEAVE TO INTERVENE AS OF RIGHT**

Pursuant to 28 U.S.C. § 2348, 47 U.S.C. § 402(e), Rule 15(d) of the Federal Rules of Appellate Procedure, and District of Columbia Circuit Rule 15(b), the National Association of Telecommunications Officers and Advisors (“NATOA”) hereby moves for leave to intervene as of right in the above-captioned proceedings, in support of Petitioner American Public Power Association (“APPA”), the City of Austin, Texas, *et al.*, and the City of Bowie, Maryland, *et al.*; in opposition to Petitioner AT&T; and in support of Respondents solely with respect to the AT&T petition. Counsel for AT&T indicated they do not object to intervention to the extent NATOA participated in the underlying proceeding. Counsel for APPA indicated no objection to intervention. Counsel for the City of Bowie, *et al.* indicated no objection to intervention. Counsel for the City of Austin Texas, *et al.*

indicated no objection to intervention. Respondent Federal Communications Commission takes no position on the motion due to the government shutdown. Counsel for Respondent United States of America was unavailable due to the lapse in federal funding.

The case concerns review of the *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No.17-84, FCC 18-133, 83 Fed. Reg. 51867 (Oct. 15, 2018) (“Order”) adopted by the Federal Communications Commission, which substantially affects local governments’ rights to manage, and receive compensation for, use of the public rights-of-way by certain telecommunications providers. NATOA is a national association whose members include local government officials from across the nation whose responsibility is to develop and administer communications policy, including use of the public rights-of-way, for the nation’s local governments. NATOA actively participated in the proceeding below and it (and its members) will be adversely affected by the Order. NATOA’s interests “are affected” within the meaning of 28 U.S.C. § 2348 and it is an “interested party” under 47 U.S.C. § 402(e). Accordingly, NATOA is entitled to intervene in this proceeding as of right.

NATOA respectfully requests that it be granted leave to intervene as of right in the above-captioned proceeding. At such time as this Court acts to transfer

and/or consolidate this and any other related cases, NATOA also requests that it be included as appropriate in any subsequent consolidated proceeding.

Respectfully submitted,

/s/ Nancy L. Werner

Nancy L. Werner

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*Counsel for Intervenor National Association  
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January 10, 2019

## CORPORATE DISCLOSURE STATEMENT

The National Association of Telecommunications Officers and Advisors is a non-profit organization representing the interests of member municipalities, elected officials and their advisors. The organization does not issue stock, have any parent company, or have a 10% or greater ownership interest held by any publicly-traded company.

Respectfully submitted,

/s/ Nancy L. Werner

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*Counsel for Intervenor National Association  
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January 10, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2019, I filed the foregoing Motion to Intervene with the Clerk of the United States Court of Appeals for the DC Circuit through the CM/ECF system. Participants in the cases are all registered with CM/ECF and will be served by the CM/ECF system.

/s/ Nancy L. Werner

Nancy L. Werner

National Association of

Telecommunications Officers and Advisors

January 10, 2019