

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

SPRINT

Petitioner,

v.

Case No. 18-9563 (MCP No. 155)

UNITED STATES OF AMERICA

and

**FEDERAL COMMUNICATIONS
COMMISSION**

Respondents

UNOPPOSED MOTION OF THE CITY OF SAN JOSE, CALIFORNIA; THE CITY OF ARCADIA, CALIFORNIA; THE CITY OF BELLEVUE, WASHINGTON; THE CITY OF BURIEN, WASHINGTON; THE CITY OF BURLINGAME, CALIFORNIA; THE CITY OF CULVER CITY, CALIFORNIA; THE TOWN OF FAIRFAX, CALIFORNIA; THE CITY OF GIG HARBOR, WASHINGTON; THE CITY OF ISSAQUAH, WASHINGTON; THE CITY OF KIRKLAND, WASHINGTON; THE CITY OF LAS VEGAS, NEVADA; THE CITY OF LOS ANGELES, CALIFORNIA; THE COUNTY OF LOS ANGELES, CALIFORNIA; THE CITY OF MONTEREY, CALIFORNIA; THE CITY OF ONTARIO, CALIFORNIA; THE CITY OF PIEDMONT, CALIFORNIA; THE CITY OF PORTLAND, OREGON; THE CITY OF SAN JACINTO, CALIFORNIA; THE CITY OF SHAFTER, CALIFORNIA; AND THE CITY OF YUMA, ARIZONA, FOR LEAVE TO INTERVENE AS OF RIGHT IN SUPPORT OF RESPONDENTS

Pursuant to 28 U.S.C. § 2348, 47 U.S.C. § 402(e), Rule 15(d) of the Federal Rules of Appellate Procedure, and Tenth Circuit Rule 15.2, the City of San Jose, California; the City of Arcadia, California; the City of Bellevue, Washington; the City of Burien, Washington; the City of Burlingame, California; the City of Culver

City, California; the Town of Fairfax, California; the City of Gig Harbor, Washington; the City of Issaquah, Washington; the City of Kirkland, Washington; the City of Las Vegas, Nevada; the City of Los Angeles, California; the County of Los Angeles, California; the City of Monterey, California; the City of Ontario, California; the City of Piedmont, California; the City of Portland, Oregon; the City of San Jacinto, California; the City of Shafter, California; and the City of Yuma, Arizona (collectively, the “Intervenors”) hereby move for leave to intervene as of right in support of Respondents in the above-captioned proceeding. Petitioner and Respondents have indicated they have no objection to Intervenors’ Motion.

Petitioner seeks review of the Declaratory Ruling and Third Report and Order, FCC 18-133, 83 Fed. Reg. 51,867 (Oct. 15, 2018) (“Order”) adopted by the Federal Communications Commission (“Commission”). Intervenors are local governments who all participated in the underlying proceeding before the Commission, and “whose interests are affected” within the meaning of 28 U.S.C. § 2348. Intervenors are also “interested parties” under 47 U.S.C. § 402(e) as the Order substantially affects local governments’ rights to manage, and receive compensation for, use of the public rights-of-way. Accordingly, Intervenors are entitled to intervene in this proceeding as of right.

Moreover, “the parties cannot adequately address the interests” of Intervenors, as required by 10th Cir. Rule 15.2(B)(1). Local governments are

CERTIFICATE OF SERVICE

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, the City of San Jose, California; the City of Arcadia, California; the City of Bellevue, Washington; the City of Burien, Washington; the City of Burlingame, California; the City of Culver City, California; the Town of Fairfax, California; the City of Gig Harbor, Washington; the City of Issaquah, Washington; the City of Kirkland, Washington; the City of Las Vegas, Nevada; the City of Los Angeles, California; the County of Los Angeles, California; the City of Monterey, California; the City of Ontario, California; the City of Piedmont, California; the City of Portland, Oregon; the City of San Jacinto, California; the City of Shafter, California; and the City of Yuma, Arizona respectfully state they are governmental agencies and therefore exempt from Rule 26.1.

/s/ Joseph Van Eaton

Joseph Van Eaton
Best Best & Krieger LLP
2000 Pennsylvania Ave, N.W.,
Suite 5300
Washington, DC 20006
Phone: (202) 785-0600
Fax: (202) 785-1234

Counsel for Intervenors

November 21, 2018

CERTIFICATE OF SERVICE

I hereby certify that, on November 21, 2018, I caused the foregoing to be electronically filed 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.

Respectfully submitted,

/s/ Joseph Van Eaton

Joseph Van Eaton
Best Best & Krieger LLP
2000 Pennsylvania Ave, N.W.,
Suite 5300
Washington, DC 20006
Phone: (202) 785-0600
Fax: (202) 785-1234

Counsel for Intervenors

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