

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

**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; 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,**

Petitioners,

v.

**UNITED STATES OF AMERICA**

and

**FEDERAL COMMUNICATIONS  
COMMISSION**

Respondents

Case No. \_\_

**PETITION FOR REVIEW  
of Order of the Federal  
Communications Commission**

Pursuant to Section 402(a) of the Communications Act of 1934, as amended (the “Communications Act”), 47 U.S.C. § 151 *et seq.*, and Sections 2342(1) and 2344 of Title 28 of the United States Code, 28 U.S.C. §§ 2342, 2344; and in accordance with Federal Rules of Appellate Procedure 15, 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; 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 “Petitioners”), hereby petition for review of the attached Declaratory Ruling and Third Report and Order of the Federal Communications Commission (“FCC”), *In the Matter of Accelerating Wireless Broadband Deployment By Removing Barriers to Infrastructure Investment*, FCC 18-133, WT Docket No. 17-79, 85 FR 51867 (the “Ruling”).

Venue is proper in this Court under 28 U.S.C. § 2343. Petitioners are located in this judicial circuit, and participated in the agency proceedings.

The Ruling exceeds the FCC’s statutory authority; is arbitrary and capricious and an abuse of discretion; and is otherwise contrary to law, including the

Constitution of the United States. The Petitioners respectfully request that this Court hold unlawful, vacate, enjoin, and set aside the Declaratory Ruling; and grant such other relief as it may deem appropriate.

Respectfully submitted,

/s/ Joseph Van Eaton

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