

**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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**SPRINT CORPORATION’S UNOPPOSED MOTION  
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, Sprint Corporation (“Sprint”) 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 addressed local regulatory barriers and streamlined the wireless infrastructure siting review process to facilitate deployment of next-generation facilities, including fifth generation or “5G” facilities.

Sprint participated actively in the Commission proceedings below, and as a carrier engaged in deploying the wireless facilities addressed in the Order, its interests will be directly affected by this Court’s review of the Order. *See* 28 U.S.C. § 2348. Accordingly, Sprint is entitled to intervene in this proceeding as of right. *Id.* Sprint challenged aspects of the Order as a petitioner in the related case, *Sprint Corp. v. FCC*, No. 18-9563 (10th Cir., pet. for review filed Oct. 25, 2018), but wishes to intervene in this case to defend other aspects of that Order. No other party can adequately protect Sprint’s interests in this proceeding because, due to its specific network infrastructure and business needs, its interests may diverge in certain respects from the Respondents and the other parties. *See* 10th Cir. R. 15.2(B)(1).

Sprint 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, Sprint 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/ Christopher J. Wright  
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*Counsel for Sprint*

## CERTIFICATE OF CORPORATE DISCLOSURE

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Sprint Corporation hereby submits this Corporate Disclosure Statement:

Sprint Corporation is a publicly traded Delaware corporation that provides telecommunications services. Softbank Group Corp., a publicly traded Japanese corporation, owns approximately 80 percent of Sprint Corporation's outstanding stock.

Date: November 20, 2018

Respectfully submitted,

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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 351 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.

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## CERTIFICATE OF SERVICE

I, Christopher J. Wright, 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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