

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

CALIFORNIA PUBLIC UTILITIES
COMMISSION,

Petitioner,

vs.

FEDERAL COMMUNICATIONS
COMMISSION, and UNITED STATES OF
AMERICA

Respondents.

Petition for Review

Case No. 18-_____

**PETITION FOR REVIEW OF ORDER OF AGENCY, BOARD,
COMMISSION, OR OFFICER**

Pursuant to 5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Federal Rule of Appellate Procedure 15(a), the California Public Utilities Commission (CPUC) hereby petitions this court for review of the order of the Federal Communications Commission (FCC) captioned *In re Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, WC Docket No. 17-108, FCC 17-166 (released Jan. 4, 2018) (“Order”). The FCC published a notice in the Federal Register announcing the effective date of the Order on February 22, 2018.

Venue is proper in this Court pursuant to 28 U.S.C. § 2343. The CPUC’s principal headquarters are located in California, in the Ninth federal judicial circuit.

The CPUC seeks review of this Order on the grounds that it is arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; violates federal law, including but not limited to the United States Constitution, the

Communications Act of 1934, as amended, and FCC regulations promulgated thereunder; conflicts with the notice-and-comment rulemaking requirements of 5 U.S.C. § 553; and is otherwise contrary to law.

The CPUC respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the Order, and that it provides such additional relief as may be appropriate.

Dated: February 22, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on February 22, 2018, I caused one copy of the foregoing Petition for Review to be served on the following counsel by the manner indicated:

By First Class Mail and Electronic Mail

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