

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

CALIFORNIA PUBLIC UTILITIES
COMMISSION,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and the UNITED STATES
OF AMERICA,

Respondents.

Case No. 21-1016

PETITION FOR REVIEW

Pursuant to 5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(l) and 2344, Federal Rule of Appellate Procedure 15, and Circuit Rule 15, the California Public Utilities Commission (CPUC) hereby petitions this Court for review of the order of the Federal Communications Commission (FCC) captioned *Restoring Internet Freedom; Bridging the Digital Divide for Low-Income Consumers; Lifeline and Link Up Reform and Modernization*, Order on Remand, WC Docket Nos. 11-42, 17-108, 17-287, FCC 20-151 (rel. October 29, 2020) (“Order”). The regulations in the Order were published in the Federal Register on January 7, 2021.

See, 86 Fed. Reg. 994. A copy of the full text of the Order is attached with this petition.

Venue is proper in this Court pursuant to 28 U.S.C. § 2343. The CPUC participated in the proceedings that led to the Order and has standing to seek review of the Order under 28 U.S.C. § 2344 as a party aggrieved by the Order.

The CPUC seeks a determination by this Court that the Order 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 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.

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

The CPUC is filing this petition within ten days of publication of the summary of this Order in the Federal Register, and thus requests to be included in the judicial lottery procedure under 28 U.S.C. § 2112(a). *See also*, 47 C.F.R. § 1.13 and 1.4(b)(1).

Dated: January 14, 2021

Respectfully submitted,

AROCLES AGUILAR, SBN 94753
HELEN M. MICKIEWICZ, SBN 123184
KIMBERLY J. LIPPI, SBN 185043

By: /s/ Kimberly J. Lippi
KIMBERLY J. LIPPI

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-5822
Facsimile: (415) 703-2262

Attorneys for Petitioner California
Public Utilities Commission

CERTIFICATE OF SERVICE

I hereby certify that, on January 14, 2021, I caused a 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

Thomas M. Johnson, Jr.
Office of General Counsel
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
LitigationNotice@fcc.gov

By First Class Mail

Hon. Jeffrey A. Rosen
Acting Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

/s/ Kimberly J. Lippi
KIMBERLY J. LIPPI