

No. **21-1233**

In the United States Court of Appeals
FOR THE D.C. CIRCUIT

China Telecom (Americas) Corporation,

Petitioner,

v.

Federal Communications Commission and
United States of America,

Respondents.

On Petition for Review
from the Federal Communications Commission

PETITION FOR REVIEW

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PETITION FOR REVIEW

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), Petitioner China Telecom (Americas) Corporation hereby petitions this Court for review of the Federal Communications Commission’s Order on Revocation and Termination issued October 26, 2021 and released November 2, 2021, in the proceedings captioned *In the Matter of China Telecom (Americas) Corporation*, GN Docket No. 20-109, FCC 21-114 (“Order”). Petitioner attaches the Order as Exhibit A to this petition.¹

Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

China Telecom (Americas) Corporation petitions this Court to set aside the Order pursuant to 5 U.S.C. § 706(2) because it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law.

Accordingly, China Telecom (Americas) Corporation respectfully requests that this Court hold unlawful, vacate, and set aside the Order, and that it provide such additional relief as may be appropriate.

¹ Exhibit A is the publicly available, redacted version of the Order. Contemporaneously herewith China Telecom (Americas) Corporation will file an unredacted version of the Order under seal.

Dated: November 15, 2021

Respectfully submitted,

/s/ Russell M. Blau

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CERTIFICATE REGARDING SERVICE

I certify, in accordance with Fed. R. App. P. 15(c), that I have served a copy of this Petition by first-class mail, postage prepaid, on each of the following parties admitted to participate in the agency proceedings:

Kathy Smith
Chief Counsel
National Telecommunications and Information Administration
1401 Constitution Avenue, NW
Washington, DC 20230

Internet Governance Project
Georgia Institute of Technology
685 Cherry St.
Atlanta, GA 30332

In accordance with Local Rule 15(a), I certify that the names of the Respondents and the addresses where they may be served with copies of this Petition are as follows:

Federal Communications Commission
c/o P. Michele Ellison, Acting General Counsel, Office of General Counsel
45 L Street NE
Washington, DC 20554

Merrick B. Garland
Attorney General of the United States
c/o U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dated: November 15, 2021

/s/Russell M. Blau

PETITIONER'S RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Circuit Rule 28(a)(1)(A) and Federal Rule of Appellate Procedure 26.1(a), China Telecom (Americas) Corporation states that it is a wholly-owned subsidiary of China Telecom Corporation Limited, a corporation whose stock is publicly held. China Telecom Corporation Limited is a subsidiary of China Telecommunications Corporation, a state-owned enterprise of the People's Republic of China. China Telecom (Americas) Corporation has no other direct or indirect parent companies.

Pursuant to Circuit Rule 26.1(b), China Telecom (Americas) Corporation states that it is an international telecommunications company operating in the United States and other countries in the Western Hemisphere. It is a Delaware corporation that operates its U.S. business as an independent profit-making commercial enterprise.

Dated: November 15, 2021

/s/ Russell M. Blau