

No. 21-1233
(oral argument not yet scheduled)

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

PETITIONER'S BRIEF

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CERTIFICATE AS TO PARTIES AND AMICI, RULINGS UNDER REVIEW, AND RELATED CASES

Pursuant to D.C. Circuit Rule 28(a)(1), Petitioner China Telecom (Americas) Corporation hereby states as follows:

I. Parties and amici

The following are the parties, intervenors, and amici in this Court and were the parties, intervenors, and amici to the proceedings before the Federal Communications Commission:

Petitioner: China Telecom (Americas) Corporation

Respondents: Federal Communications Commission and
United States of America

Intervenors: Not applicable

Amicus curiae: Not applicable

II. Order on review

Petitioner seeks review of the opinion and order of the Federal Communications Commission, dated November 2, 2021, revoking China Telecom (Americas) Corporation's domestic 214 authority and revoking and terminating two international Section 214 authorizations.

III. Related cases

The case on review has not previously been before this Court. China Telecom (Americas) Corporation previously petitioned the United States

Court of Appeals for the Fourth Circuit to review the Federal Communications Commission's denial of a hearing in the revocation proceedings at issue in this case. On May 10, 2021, the Fourth Circuit dismissed that petition because "[t]he order [China Telecom Americas] seeks to appeal is neither a final agency action nor an appealable interlocutory or collateral order." Case No. 20-2365, Doc. 53.

Currently pending before this Court as Case Number 21-5215 is China Telecom (Americas) Corporation's appeal of the September 2, 2021, order and opinion of the United States District Court for the District of Columbia (Friedrich, J.) granting the United States' Petition to Initiate a Determination that Certain [Foreign Intelligence Surveillance Act ("FISA")] Surveillance Was Lawfully Authorized and Conducted. The FISA materials at issue in that appeal informed the Federal Communications Commission's revocation decision at issue in this appeal.

/s/ Russell M. Blau

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February 1, 2022

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 has no other direct or indirect parent companies.

Pursuant to Circuit Rule 26.1(b), China Telecom Americas 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.

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