

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

The Voice on the Net Coalition, Inc.)	
)	
Petitioner,)	
)	
v.)	Case No. _____
)	
Federal Communications Commission)	
and)	
the United States of America,)	
)	
Respondents.)	

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Federal Rule of Appellate Procedure 15(a), The Voice on the Net Coalition, Inc. (“VON Coalition” or “Petitioner”) hereby petitions this Court for review of the Report and Order issued by the Federal Communications Commission (“FCC” or “Respondent”) on November 18, 2011, in *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support*, WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208; FCC 11–161 (“Order”). A copy of the Order is attached to this Petition for

Review. Parties to the FCC proceedings may obtain a copy of the Order, which is more than 750 pages, from the FCC's website at: http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db1122/FCC-11-161A1.pdf, or by contacting the undersigned counsel.

A summary of the Order was published in the Federal Register on November 29, 2011, at 76 Fed. Reg. 73830. The Order is a final agency order and this Petition for Review is timely filed pursuant to 47 U.S.C. § 402(a) and 28 U.S.C. § 2344. Venue is proper in this Court as the United States Court of Appeals for the Tenth Circuit was selected, pursuant to 28 U.S.C. § 2112(a)(3), by the United States Judicial Panel on Multidistrict Litigation to hear all Petitions for Review of the Order. *See Consolidation Order of the Judicial Panel on Multidistrict Litigation, FCC 11-1914, MCP No. 108 (Dec. 14, 2011).*


The VON Coalition is a trade association whose members provide IP-enabled voice and other communications applications that may be used over the Internet, or provide equipment or other services to IP-enabled voice and communications providers. Both Petitioner and some of its individual members participated in the rulemaking proceeding before the FCC as to which review is sought. Petitioner's members will be directly and substantially affected by the requirements imposed in the FCC's Order.

Members of the VON Coalition are thus directly affected by the Order and the VON Coalition has standing to challenge it.

The VON Coalition seeks review of the Order on the grounds that it is in excess of the FCC's statutory jurisdiction and authority; is contrary to the Communications Act of 1934 as amended by the Telecommunications Act of 1996, 47 U.S.C. § 151, *et seq.*; violates the Administrative Procedure Act, 5 U.S.C. § 500 *et seq.*; and is arbitrary, capricious, an abuse of discretion, and otherwise contrary to law.

Accordingly, the VON Coalition respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the Order, and provide all such other relief as the Court may find proper.

Respectfully submitted,

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, The Voice on the Net Coalition, Inc. (“VON Coalition”) submits the following corporate disclosure statement.

The VON Coalition does not own or maintain a controlling interest in any public company, nor is it owned or controlled by any public company, and no publicly held company has a 10% or greater ownership interest in the VON Coalition.

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CERTIFICATE OF SERVICE

I, Jennifer P. Bagg, hereby certify that on this 23rd day of December 2011, I served a copy of the foregoing Petition for Review and Corporate Disclosure Statement via first-class mail, postage prepaid, to each of the following parties admitted to participate in the agency proceedings. Parties marked with an asterisk (*) have been served by hand delivery.

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