BEFORE THE UNITED STATATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL ASSOCIATION OF)	
REGULATORY UTILITY)	
COMMISSIONERS)	
)	
v.)	Case No. 16-1170
)	
FEDERAL COMMUNICATIONS)	
COMMISSION, et al.		

MOTION TO INTERVENE OF THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES IN SUPPORT OF THE NATIONAL ASSOCIATION OF REGULATIRY UTILITY COMMISSIONERS

The National Association of State Utility Consumer Advocates

("NASUCA") moves to intervene in this appeal by the National Association of
Regulatory Utility Commissioners ("NARUC"), which implicates the interests of
consumers of telecommunications and related services throughout the United

States. The appeal challenges the Federal Communications Commission ("FCC")

Broadband Lifeline Order, which improperly limited the state jurisdiction over
eligible telecommunications carriers ("ETCs") dictated in 47 U.S.C. § 214(e).

This motion is made pursuant to FRAP 15(d) and Circuit Rule 15(d).

1

¹ Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. April 27, 2016) ("Broadband Lifeline Order").

Statement of Interest.

NASUCA is a voluntary association of 44 consumer advocate offices in 41 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA's members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates for utility ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General's office). NASUCA's associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority. Some NASUCA member offices advocate in states whose respective state commissions do not have jurisdiction over certain telecommunications issues.

On behalf of consumers, NASUCA filed numerous comments and, pursuant to FCC rules, made ex parte communications, in the proceedings leading to the *Broadband Lifeline Order*.²

NASUCA's standing on appeal of FCC orders affecting consumers has been recognized in this circuit and elsewhere. NASUCA intervened and signed on to an intervenor brief in *United States Telecom Ass'n v. FCC*, D.C. Cir Case No. 15-

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² See, e.g., WC Docket No. 11-42, et al., NASUCA Comments (August 31. 2015); NASUCA Reply Comments (September 24, 2015); NASUCA ex parte communication (March 24, 2016.

1063 (issued June 14, 2016). This Circuit heard NASUCA's appeal of FCC unbundling rules in *Covad v. FCC*, 450 F.3d 528 (D.C. Cir., 2006). NASUCA was one of thirty petitioners *In re FCC 11-161*, 753 F.3d 1015 (10th Cir., 2014), filed its own brief and joined in the main briefs, and presented oral argument. The standing recognized in those cases meets any reasonable test for intervention in this appeal.

NASUCA supports the key basis of NARUC's appeal: That the FCC improperly pre-empted state jurisdiction over ETCs. This proper classification protects consumers from the harms that have been and likely would be inflicted by dominant network owners.

Therefore, NASUCA moves this Court to grant its intervention in this appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused this Motion of the National Association of State Utility Consumer Advocates to Intervene in Support of Respondent to be served by filing with the CM/ECF system of the United States Court of Appeal for the D.C. Circuit.

/s/ David C. Bergmann

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RULE 261 STATEMENT

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NASUCA has no parent company, subsidiary, or affiliate that has issued securities to the public. No publicly traded company owns any equity interest in NASUCA.