

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

LATINA BROADCASTERS OF  
DAYTONA BEACH, LLC

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION, and

UNITED STATES OF AMERICA,

Respondents.

Case Nos. 16-1065, 16-1069

**COMPETITIVE CARRIERS ASSOCIATION AND CTIA-THE WIRELESS  
ASSOCIATION’S JOINT MOTION FOR LEAVE TO INTERVENE IN  
SUPPORT OF RESPONDENTS AND JOINT RESPONSE IN OPPOSITION  
TO EMERGENCY MOTION FOR STAY**

Pursuant to Section 402(e) of the Communications Act of 1934, *as amended* (“Communications Act”),<sup>1</sup> 28 U.S.C. § 2348, Fed. R. of App. P. 15(d), and D.C. Cir. R. 15(b), Competitive Carriers Association (“CCA”) and CTIA-The Wireless Association® (“CTIA”) respectfully move this Court for leave to intervene in support of the Federal Communications Commission (“FCC”) and the United States of America and in opposition to the Emergency Motion for Stay Pending Appeal (“Stay Motion”) filed by Latina Broadcasters of Daytona Beach, LLC

---

<sup>1</sup> 47 U.S.C. § 402(e).

(“Petitioner”) in the above-captioned proceedings.

Petitioner seeks a stay of (1) the February 12, 2016 Order on Reconsideration of the FCC;<sup>2</sup> or (2) the broadcast television spectrum incentive auction (“Incentive Auction”) scheduled to begin March 29, 2016.<sup>3</sup> CCA and CTIA seek leave to oppose Petitioner’s request to stay the Incentive Auction. Such a stay would cause material harm to CCA’s and CTIA’s members, and their end-user customers, and would not be in the public interest.

28 U.S.C. § 2348 allows “any party in interest in the proceeding before the agency whose interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended” to intervene. Section 402(e) of the Communications Act also specifically permits intervention by any “person who would be aggrieved or whose interest would be adversely affected by a reversal or modification of the order of the Commission complained of.”<sup>4</sup> The Court also will grant intervention under Fed. R. App. P. 15(d) to parties “directly affected by” the order at issue if a request is filed within 30 days after the petition for review is filed. *See Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 744-45 (D.C.

---

<sup>2</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Order on Reconsideration, GN Docket No. 12-268, FCC 16-12 ¶ 24 (Feb. 12, 2016) (“*Order on Reconsideration*”).

<sup>3</sup> *Broadcast Incentive Auction Scheduled to Begin on March 29, 2016*, Public Notice, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, MB Docket No. 15-146, 30 FCC Rcd 8975 (2015) (establishing the Incentive Auction date) (“*Competitive Bidding Procedures PN*”).

<sup>4</sup> 47 U.S.C. § 402(e).

Cir. 1986). CCA and CTIA meet each of these requirements, including extensive participation in the underlying Incentive Auction-related proceedings before the FCC<sup>5</sup>, and therefore should be allowed to intervene as a matter of right.

CCA and CTIA represent a large number of the affected wireless provider stakeholders across the United States associated with the FCC's Incentive Auction. If the Incentive Auction is delayed, CCA's and CTIA's members may face significantly longer delays in obtaining low-band spectrum resources, which offer substantial opportunities for expanding network coverage and increasing capacity. The Incentive Auction represents an important opportunity for wireless carriers to obtain adequate spectrum in the near term. Any delay in obtaining access to these licenses would threaten participating service providers' ability to deliver the wireless services consumers demand, both today and in the future, and their ability to innovate in the future as the industry begins to develop next-generation technologies. In light of their significant interest in the timely commencement of the Incentive Auction, CCA and CTIA respectfully seek leave of the Court to accept the attached Response in Opposition to Petitioner's Emergency Motion to Stay, which addresses CCA's and CTIA's interests in greater detail.

---

<sup>5</sup> CCA and CTIA each have individually submitted close to 100 filings before the FCC with respect to the Incentive Auction. *See* Competitive Carriers Association filings in FCC GN Docket No. 12-268; CTIA-The Wireless Association filings in FCC GN Docket No. 12-268.

The balance of harms weighs heavily against a stay, because delay of the Incentive Auction would impose a variety of specific harms on wireless carriers and their customers. CCA's and CTIA's members and their customers would be directly and adversely affected if Petitioner is successful in delaying the Incentive Auction start date as established in the *Competitive Bidding Procedures PN*. Over the past four years, CCA and CTIA (as well as their members) have participated extensively in the Incentive Auction proceeding before the FCC and have helped develop the policies and procedures implementing the Incentive Auction. These policies and procedures, including the established timeline and start date, have been relied upon by wireless carriers, including CCA's and CTIA's members, which have dedicated significant resources toward developing business plans and securing financing and other time-sensitive arrangements necessary to participate in the Incentive Auction.

This request for intervention is timely pursuant to Fed. R. App. P. 15(d), as it is being filed within 30 days of the filing of the Petition for Review, which was filed on February 19, 2016.<sup>6</sup>

The certificate of parties and corporate disclosure statement required by D.C. Cir. R. 27(a)(4), 26.1, and 28(a)(1)(A) are attached hereto.

---

<sup>6</sup> Petitioner also re-filed the Petition for Review on February 25, 2016 in a new docket 16-1069 (which has since been consolidated with the original docket, 16-1065) based on the publication of the Reconsideration Order in the Federal Register on February 23, 2016. *See* 81 Fed. Reg. 8843.

For the reasons stated above, CCA and CTIA respectfully request that the Court grant their Motion for Leave to Intervene in the above cases, as well as any cases that may be consolidated therewith, and accept for filing the attached Response in Opposition to Petitioner's Emergency Motion for Stay.

Respectfully submitted:

/s/ Russell P. Hanser

Russell P. Hanser  
WILKINSON BARKER KNAUER, LLP  
1800 M. Street, NW  
Suite 800N  
Washington, DC 20036  
(202) 383-3408  
[rhanser@wbklaw.com](mailto:rhanser@wbklaw.com)

*Counsel for CTIA—The  
Wireless Association®*

Dated: March 4, 2016

/s/ Michael Lazarus

Michael Lazarus  
TELECOMMUNICATIONS LAW  
PROFESSIONALS PLLC  
1025 Connecticut Avenue, NW  
Suite 1011  
Washington, DC 20036  
(202) 789-3114  
[mlazarus@telecomlawpros.com](mailto:mlazarus@telecomlawpros.com)

*Counsel for Competitive Carriers Association*

**CERTIFICATE OF PARTIES**

Pursuant to D.C. Cir. R. 27(a)(4) and D.C. Cir. R. 28(a)(1)(A), Competitive Carriers Association (“CCA”) and CTIA-The Wireless Association® (“CTIA”) hereby certify that in Case Nos. 16-1065 and 16-1069 before the D.C. Circuit Court of Appeals the Petitioner is Latina Broadcasters of Daytona Beach, LLC, and the Respondents are the Federal Communications Commission and the United States of America. CCA and CTIA seek leave to intervene in this case in support of Respondents. No amici have appeared before this Court.

### **DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Cir. R. 26.1, Competitive Carriers Association (“CCA”) hereby submits this Corporate Disclosure Statement. CCA has no parent company. No publicly held company has a 10 percent or greater ownership interest in CCA. CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents nearly 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain. The licensed service area of CCA’s carrier members covers 95 percent of the United States.

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Cir. R. 26.1, CTIA-The Wireless Association® (“CTIA”) hereby submits this Corporate Disclosure Statement. CTIA is a Section 501(c)(6) not-for-profit corporation organized under the laws of the District of Columbia and represents the wireless communications industry. Members of CTIA include service providers, manufacturers, wireless data and Internet companies, and other industry participants. CTIA has not issued any shares or debt securities to the public, and



CTIA has no parent companies, subsidiaries, or affiliates that have issued any shares or debt securities to the public.

## **ATTACHMENT**

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

LATINA BROADCASTERS OF  
DAYTONA BEACH, LLC

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION, and

UNITED STATES OF AMERICA,

Respondents.

Case Nos. 16-1065, 16-1069

**COMPETITIVE CARRIERS ASSOCIATION AND CTIA – THE  
WIRELESS ASSOCIATION’S JOINT RESPONSE IN OPPOSITION TO  
PETITIONER’S EMERGENCY MOTION FOR STAY**

On February 25, 2016, Latina Broadcasters of Daytona Beach, LLC (“Petitioner”) filed an Emergency Motion for Stay Pending Appeal (“Stay Motion”) in the above-captioned proceedings. The Stay Motion seeks (1) a stay of the February 12, 2016 Order on Reconsideration (“Reconsideration Order”) adopted by the Federal Communications Commission (“FCC”), which denies Petitioner eligibility to participate in the reverse auction portion of the broadcast television spectrum incentive auction (“Incentive Auction”);<sup>1</sup> or (2) a stay of the

---

<sup>1</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through*

Incentive Auction, which is scheduled to begin March 29, 2016.<sup>2</sup> As explained below, any delay in the Incentive Auction will cause substantial material harm to the Competitive Carriers Association (“CCA”) and CTIA-The Wireless Association® (“CTIA”) and their members and would be contrary to the public interest. Accordingly, the Court should deny Petitioner’s Stay Motion.

CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents nearly 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

CTIA is an international nonprofit membership organization that represents the wireless communications industry. The association includes wireless carriers and their suppliers, as well as providers and manufacturers of wireless data services and products. Currently, CTIA’s membership includes more than 25

---

*Incentive Auctions*, Order on Reconsideration, GN Docket No. 12-268, FCC 16-12 ¶ 24 (Feb. 12, 2016) (“*Reconsideration Order*”).

<sup>2</sup> *Broadcast Incentive Auction Scheduled to Begin on March 29, 2016*, Public Notice, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, MB Docket No. 15-146, 30 FCC Rcd 8975 (2015) (establishing the Incentive Auction date) (“*Competitive Bidding Procedures PN*”).

mobile providers, nearly 100 equipment manufacturers and suppliers, and scores of other participants in the mobile broadband industry.

Wireless providers (and, by extension, their customers) are in need of the additional mobile broadband spectrum resources that will be made available at the close of the Incentive Auction, which represents an important opportunity for wireless carriers to obtain such spectrum. CCA's and CTIA's members, as well as their customers – who increasingly rely on mobile broadband services and the spectrum that enables such offerings in virtually all aspects of their daily lives – would be directly and adversely affected if Petitioner is successful in delaying the Incentive Auction start date of March 29, 2016, as established in the *Applications Procedures PN*.

### **DISCUSSION**

Pursuant to D.C. Cir. R. 18(a)(1), in determining whether to stay an order of an agency, the moving party

must discuss, with specificity, each the following four factors: (i) the likelihood that the moving party will prevail on the merits; (ii) the prospect of irreparable injury to the moving party if relief is withheld; (iii) the possibility of harm to other parties if relief is granted; and (iv) the public interest.<sup>3</sup>

CCA and CTIA's primary interest in this proceeding lies in the final two prongs of

---

<sup>3</sup> DC Circuit Rule 18(a)(1); *see also* *Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977); *Virginia Petroleum Jobbers Ass'n v. Federal Power Comm'n*, 259 F.2d 921, 925 (D.C. Cir. 1958).

the test, (iii) and (iv), which consider the effect of a stay on other interested parties and the public interest as a whole. Any delay of the Incentive Auction would adversely harm CCA, CTIA and both parties' members, as well as American consumers and the public interest more broadly. Therefore, the Court should deny Petitioner's Stay Motion.

At the time of this filing, the Incentive Auction is 25 days away. Eligible entities and interested parties – including many of CCA's and CTIA's members, which have publicly announced their intention to participate – have incurred substantial costs associated with preparing and filing initial short form applications. Those applications were due January 12, 2016 and February 10, 2016, respectively, for applicants in the reverse and forward components of the Incentive Auction. Further, these parties also have expended significant resources developing time sensitive business plans based on the current schedule. Many have needed to secure financing and other Incentive Auction support and/or to defer other business plans. For instance, Incentive Auction participants have budgeted for and hired outside support, such as legal counsel, auction experts, and technical consultants to assist during the Incentive Auction. Incentive Auction participants also have secured financing on specific schedules keyed to the current March 29 start date. A stay of the Incentive Auction's commencement could adversely affect these plans and result in wasted expenditures. Indeed, because

upfront payments will soon be due under the current schedule,<sup>4</sup> some applicants likely already have drawn down funds from lines of credit to be prepared and are incurring debt charges.

The FCC did not establish the start date for the Incentive Auction arbitrarily. Rather, the Incentive Auction's commencement was set in August 2015 following an extensive effort by both the FCC and industry participants over the last four years to implement the most complex spectrum auction ever attempted. The FCC made the considered decision to commence the Incentive Auction in the first quarter of 2016, and has repeatedly reiterated its intention.<sup>5</sup> The FCC has initiated and completed numerous proceedings associated with the Incentive Auction, and industry participants have submitted scores of filings to aid the FCC in this effort. In particular, CCA and CTIA have each submitted close to 100 filings with the FCC in connection with the implementation of the Incentive Auction. This

---

<sup>4</sup> Upfront payments are refundable deposits made by each bidder to establish its eligibility in the forward auction.

<sup>5</sup> Indeed, throughout the Incentive Auction preparation process, Chairman Wheeler consistently stated that the Incentive Auction will commence in the first quarter of 2016, and companies have been making business plans based on this date. *See, e.g.,* Letter from Tom Wheeler, Chairman, FCC, to Reps. Fred Upton (R-Mich.) & Greg Walden (R-Ore.) (July 15, 2015) (confirming that the Incentive Auction target date in the first quarter of 2016 was on course); Tom Wheeler, Chairman, FCC, Address at Brookings Inst. (June 26, 2015) (reaffirming commitment to commencement of the Incentive Auction in the first quarter of 2016) *prepared remarks available at* [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2015/db0626/DOC-334141A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0626/DOC-334141A1.pdf);

extensive participation and preparation across the communications industry has resulted in the March 29, 2016 Incentive Auction scheduled start date.

Importantly, a stay of the Incentive Auction start date would delay a number of other deadlines, tentatively scheduled by the FCC, which have informed carrier business planning and budget allocation. These deadlines may include, but are not limited to: registration for reverse auction and forward auction qualified bidders; forward auction upfront payments; and the start of the reverse and forward auctions.<sup>6</sup> Forward and reverse auction applicants alike have developed business plans based around this schedule, and delaying the Incentive Auction will significantly disrupt these plans. The inevitable lag time after the Incentive Auction is complete, resulting from the need to clear and “repack” the spectrum before any carrier can deploy new networks and serve consumers, also will be pushed back due to a delay in the Incentive Auction.

Delay of the Incentive Auction would be especially inimical to the interest of mobile providers and consumers alike because the wireless industry is in the midst of a well-documented “spectrum crunch,” which has increased the critical need for additional spectrum to be made available for mobile broadband use.<sup>7</sup> The

---

<sup>6</sup> *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016*, Public Notice, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, DA 15-1183 (2015).

<sup>7</sup> See, e.g., Reply Comments of Competitive Carriers Association, filed in FCC GN



Incentive Auction represents a critical opportunity for wireless carriers to obtain adequate spectrum in the proposed timeframe. CCA, CTIA, and their members have been outspoken in their efforts to have the Incentive Auction occur as soon as possible.<sup>8</sup> CCA and CTIA members urgently need certainty that the industry will have access to the low-band spectrum being offered in the Incentive Auction, which will offer significant opportunities for expanding wireless coverage and increasing capacity. Moreover, a stay of the Incentive Auction would pose significantly severe consequences for wireless consumers' ability to enjoy the mobile offerings they increasingly demand – offerings that are expected to require far more extensive spectrum resources as carriers evolve toward offering next-generation technologies.

---

Docket No. 14-177 et al., pps. 15-19 (filed Feb. 26, 2016).

<sup>8</sup> See, e.g., Press Release, Competitive Carriers Association, Appeals Court Denies NAB, Sinclair Petitions for Review; CCA Looks Forward to Q1 2016 Incentive Auction (June 12, 2015) (noting that CCA “played a primary role in supporting the [FCC], including arguing before the D.C. Circuit on behalf of itself and other intervenors” and looks forward to continuing to work with the FCC “to ensure all carriers have a meaningful opportunity to access much-needed low-band spectrum as soon as possible.”) *available at* <http://competitivecarriers.org/press/rca-press-releases/appeals-court-denies-nab-sinclair-petitions-for-review-cca-looks-forward-to-q1-2016-incentive-auction/9118139>; Press Release, CTIA, CTIA Statement in Response to D.C. Circuit Decision Affirming FCC’s Incentive Auction Report and Order (June 12, 2015) (“We ... look forward to a successful and timely incentive auction that delivers access to more spectrum as soon as possible to be able to meet ever increasing mobile broadband demand.”) *available at* <http://www.ctia.org/resource-library/press-releases/archive/ctia-response-to-decision-affirming-fcc-incentive-auction>.

In particular, for the wireless industry, the Incentive Auction represents an important opportunity to bid for access to much needed spectrum for mobile broadband use. The spectrum repurposed through a successful incentive auction will help meet the expected six- to seven-fold increase in mobile data traffic within five years, as well as facilitate opportunities for innovative communications services, including mobile health, Internet of Things, education, and other mobile broadband-related initiatives. This spectrum could also promote mobile broadband access in rural or otherwise high-cost areas, advancing important FCC policy goals favoring universal deployment and related public safety benefits. Given the inevitable lag time mentioned above, delaying the Incentive Auction will forestall the advancement of these objectives.

Any delay of the Incentive Auction also will harm CCA's and CTIA's members, because it would extend the application of the FCC's broad anti-collusion rules. The anti-collusion rules prohibit certain communications among covered parties that concern the licenses being auctioned and bids or bidding strategies, including post-auction market structure. These rules have the potential to chill certain business negotiations between parties, including potential merger and acquisition discussions. The prohibited communications period has become known as the "quiet period," because of this effect on the wireless industry. For broadcast television licensees, the quiet period took effect on January 12, 2016,

and for forward auction applicants, the quiet period took effect on February 10, 2016. The quiet periods will continue until down payments are received at the end of the Incentive Auction, for forward auction applicants, and until Incentive Auction results are announced for covered broadcaster licensees. Under the current timeframe, even without delay, the quiet periods could last until the third quarter or even as late as the fourth quarter of this year. If the Incentive Auction is delayed, then the quiet periods also will be prolonged, thus potentially chilling or preventing critical business negotiations for a significant period of time into the future.

Any stay of the Incentive Auction also would be contrary to the public interest for reasons separate from the numerous problems noted above. The Incentive Auction is expected to bring in estimated tens of billions of dollars to the U.S. Treasury. A stay will delay these anticipated funds from reaching the government and therefore the American consumer. Moreover, a stay will threaten our nation's preeminence in the global mobile ecosystem and consumers' ability to obtain the services that they demand today and are expected to demand in the future. To secure the United States' leadership in mobile technology and foster the innovation of new, cutting-edge technology, Congress mandated that the FCC

make more spectrum available in the near term.<sup>9</sup> The FCC developed the Incentive Auction rules and procedures to achieve these goals, recognizing that

[o]ur country faces a major challenge to ensure that the speed, capacity, and accessibility of our wireless networks keeps pace with these demands in the years ahead, so the networks can support critical economic, public safety, health care, and other activities that increasingly rely on them. Meeting this challenge is essential to continuing U.S. leadership in technological innovation, growing our economy, and maintaining our global competitiveness.<sup>10</sup>

Spectrum is not only the lifeblood of the wireless industry, it also is a finite resource. Over the past four years, the FCC has dedicated substantial resources and sought input and advice from hundreds of interested parties, including CCA, CTIA, and their members in “an unprecedented proceeding involving numerous complex and highly technical issues” to produce the most efficient means to make adequate spectrum available in the near term. This process has involved numerous rulemakings and extensive public comment. The Incentive Auction and its chosen timeframe have resulted from this carefully developed process. Granting the requested stay of the Incentive Auction will disrupt this plan and harm the public interest.

---

<sup>9</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012) (Spectrum Act).

<sup>10</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Notice of Proposed Rulemaking, 27 FCC Rcd 12357, 1258, ¶ 1 (2012).

**CONCLUSION**

For the foregoing reasons, the Court should deny Petitioner's request.

Respectfully submitted:

/s/ Russell P. Hanser

Russell P. Hanser  
WILKINSON BARKER KNAUER, LLP  
1800 M. Street, NW  
Suite 800N  
Washington, DC 20036  
(202) 383-3408  
[rhanser@wbklaw.com](mailto:rhanser@wbklaw.com)

*Counsel for CTIA-The Wireless  
Association®*

/s/ Michael Lazarus

Michael Lazarus  
TELECOMMUNICATIONS LAW  
PROFESSIONALS PLLC  
1025 Connecticut Avenue, NW  
Suite 1011  
Washington, DC 20036  
(202) 789-3114  
[mlazarus@telecomlawpros.com](mailto:mlazarus@telecomlawpros.com)

*Counsel for Competitive Carriers  
Association*

Dated: March 4, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of March, 2016, I caused an original and four paper copies of the foregoing Joint Motion for Leave to Intervene and Joint Response in Opposition to Emergency Motion for Stay of Competitive Carriers Association and CTIA-The Wireless Association to be filed with the Clerk of the Court via hand delivery and electronically by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system, as indicated below:

David S. Wachen  
[dwachen@hchlegal.com](mailto:dwachen@hchlegal.com)  
*Counsel for Petitioner Latina*  
*Broadcasters of Daytona Beach, LLC*

Scott M. Noveck  
Richard Kiser Welch  
Jacob M. Lewis  
[Scott.noveck@fcc.gov](mailto:Scott.noveck@fcc.gov)  
[Richard.welch@fcc.gov](mailto:Richard.welch@fcc.gov)  
[Jacob.lewis@fcc.gov](mailto:Jacob.lewis@fcc.gov)  
*Counsel for Respondent Federal*  
*Communications Commission*

Robert J. Wiggers  
Kristen Limarzi  
Robert B. Nicholson  
[Robert.wiggers@usdoj.gov](mailto:Robert.wiggers@usdoj.gov)  
[Kristen.limarzi@usdoj.gov](mailto:Kristen.limarzi@usdoj.gov)  
[Robert.nicholson@usdoj.gov](mailto:Robert.nicholson@usdoj.gov)  
*Counsel for Respondent Department of*  
*Justice*

/s/ Michael Lazarus \_\_\_\_\_  
Michael Lazarus  
TELECOMMUNICATIONS LAW PROFESSIONALS  
PLLC  
(202) 789-3114