

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

tw telecom, inc.,	)	
Petitioner,	)	
	)	
v.	)	No. 11-9597
	)	
FEDERAL COMMUNICATIONS	)	
COMMISSION;	)	
UNITED STATES OF AMERICA,	)	
Respondents.	)	
_____	)	
	)	
IN RE: FCC 11-161	)	No. 11-9900
_____	)	

**MOTION FOR LEAVE TO INTERVENE**

The Rural Telecommunications Group, Inc. (“RTG”),<sup>1</sup> by its attorneys, and pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, Tenth Circuit Rule 15.2, and 28 U.S.C. § 2348, respectfully moves for leave to intervene as a matter of right in the above-captioned proceeding in support of both Petitioners and Respondents.

Petitioners seek review of an Order of the Federal Communications Commission (“FCC”) captioned *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier*

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<sup>1</sup> RTG is a Section 501(c)(6) trade association.

*Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, WC Docket Nos. 10-90 *et al.*, FCC 11-161 (Nov. 18, 2011) (“Order”). In the Order, the FCC adopted significant modifications and wholesale changes to regulations concerning the universal service fund and intercarrier compensation system for both wireline and wireless carriers.

RTG actively participated in and was a party in the FCC’s rulemaking proceeding below. No other party adequately represents RTG’s interests. RTG members are FCC licensees providing commercial mobile radio and commercial mobile data services, as well as other fixed wireless services, and are subject to the universal service and intercarrier compensation rules addressed in the Order. RTG members contribute to the universal service fund and receive universal service fund support. RTG members also make intercarrier payments to, and receive such payments from, numerous other providers of communications services.

Accordingly, RTG’s interests are substantially affected by the Order and any decision the Court may make concerning the Order.

As a “party in interest in the proceeding before the agency whose interests will be affected” by this appeal, RTG is entitled to intervene “as [a matter] of right.” 28 U.S.C. § 2348. RTG respectfully requests that it be granted leave to

intervene in the above-captioned proceeding and other proceedings with which this case may be consolidated.<sup>2</sup>

Due to the number of parties participating in this and the related proceedings, their varied interests, and the complexity of the FCC's Order, RTG anticipates that it will support the Petitioners with respect to certain aspects of the Order and support the Respondent with respect to other aspects of Order. Accordingly, RTG seeks to intervene in support of both Petitioners and Respondents.

Respectfully submitted,

s/ Caressa D. Bennet  
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January 20, 2012

*Counsel for Rural  
Telecommunications Group, Inc.*

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<sup>2</sup> RTG acknowledges that numerous Petitions for Review of the FCC's Order have been filed. An order consolidating the other various cases originating in and transferred to the Tenth Circuit will likely be entered after the time period for intervention and for the filing of new petitions for review have lapsed. Additionally, it is RTG's understanding that once the cases are consolidated, any intervenor, party, or amicus in one proceeding will be deemed an intervenor, party, or amicus in the consolidated proceedings. Preliminary Procedure Order 2, Case Nos. 11-9597 and 11-9900 (filed December 29, 2011). Accordingly, RTG may seek to address additional issues presented in the consolidated cases before the 10<sup>th</sup> Circuit.

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FEDERAL COMMUNICATIONS	)	
COMMISSION;	)	
UNITED STATES OF AMERICA,	)	
Respondents.	)	
_____	)	
	)	
IN RE: FCC 11-161	)	No. 11-9900
_____	)	

**CORPORATE DISCLOSURE STATEMENT**

The Rural Telecommunications Group (“RTG”), by its attorneys, and pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, respectfully submits this corporate disclosure statement.

RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education. RTG’s members are small businesses serving or seeking to serve secondary, tertiary and rural markets. RTG’s members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies. RTG is a corporation and no publicly-held company has a 10% or greater ownership in RTG.

Respectfully submitted,

s/ Caressa D. Bennet \_\_\_\_\_

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## **CERTIFICATE OF DIGITAL SUBMISSION AND ANTI-VIRUS SCAN**

I hereby certify that I have scanned the Portable Document Format version of the foregoing “Motion for Leave to Intervene” and “Certificate of Interested Persons and Corporate Disclosure Statement” which are being submitted in this case through the Court’s CM/ECF system. I scanned the documents using Norton 360 version 5.1.0.29 last updated January 20, 2012, and, according to the program, they are free of viruses. I further certify that no privacy redactions were required.

s/ Caressa D. Bennet  
Caressa D. Bennet

January 20, 2012

## CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2012, I electronically filed the foregoing Motion for Leave to Intervene and Corporate Disclosure Statement using the court's CM/ECF system which will send notification of such filing to all parties in this case through a registered CM/ECF user. This document is available for viewing and downloading on the CM/ECF system.

I further certify that I caused the foregoing Motion for Leave to Intervene and Corporate Disclosure Statement to be served on the following non-CM/ECF registered user by first-class mail:

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