



copy of the public version of the *Report and Order* is attached as Exhibit A to this petition. Venue is proper under 28 U.S.C. § 2343.

The *Report and Order* concerns the regulatory treatment of business data services, which provide dedicated broadband connectivity to businesses, schools, universities, hospitals, government buildings, cell towers, and other facilities that require reliable and high-performance access to the Internet and other modern networks. It follows a May 2, 2016 order and further notice of proposed rulemaking in which the Commission found that “competition remains stubbornly absent” in many parts of the business data services marketplace, and proposed regulations “to ensure that non-competitive market conditions do not disadvantage business customers and their ability to compete and innovate in downstream markets.” *Business Data Services in an Internet Protocol Environment et al.*, Tariff Investigation Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd. 4723 ¶¶ 3, 5 (2016). In the *Report and Order*, the Commission broadly deregulates the marketplace for business data services, *see Report and Order* ¶¶ 86-170, determines that certain business data services are not subject to common carrier regulation under the Communications Act of 1934 (as amended), *see id.* ¶¶ 267-285, and adjusts the scope of regulatory forbearance previously granted to certain business data services provided by affiliates of Verizon Communications, Inc., *see id.* ¶¶ 171-177.

Petitioners seek relief on grounds that the *Report and Order* is arbitrary, capricious, and an abuse of discretion; violates the notice-and-comment requirements of the Administrative Procedure Act; violates other federal laws including, but not limited to, the Communications Act of 1934 (as amended), the Commission's regulations, and the Constitution; and is otherwise contrary to law. Petitioners respectfully request that the Court reverse and hold unlawful, vacate, enjoin, annul, and set aside the *Report and Order*, and provide such additional relief as may be just and proper.

Sprint and Windstream file this protective petition to address any uncertainty about when the 60-day period to file a petition for review, and the 10-day period to participate in the judicial lottery procedure, begin under 28 U.S.C. §§ 2344 and 2112(a) respectively. As explained, the *Report and Order* determines the common carrier status of specific providers' business data services, and the scope of regulatory forbearance that applies to specific Verizon affiliates and their successors-in-interest. These determinations arguably qualify as "adjudicatory decisions with respect to specific parties that may be associated with or contained in [a] rulemaking document[]," in which case the time to appeal, and the time within which parties may avail themselves of the judicial lottery procedure, arguably would begin upon the Commission's April 28, 2017 release of the *Report*

*and Order* rather than the *Report and Order*'s publication in the Federal Register, which remains pending. 47 C.F.R. § 1.4(b)(1) Note; *see also id.* § 1.4(b)(2).

Respectfully Submitted,



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FILED  
MAY - 8 2017  
CLERK

MAY - 8 2017

RECEIVED

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

SPRINT CORPORATION and )  
WINDSTREAM SERVICES, LLC )  
 )  
Petitioners, )  
 )  
v. )  
 )  
FEDERAL COMMUNICATIONS )  
COMMISSION and )  
THE UNITED STATES )  
OF AMERICA )  
 )  
Respondents. )

Case No. 17-1126

ORIGINAL

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Sprint Corporation and Windstream Services, LLC hereby submit the following corporate disclosure statement.

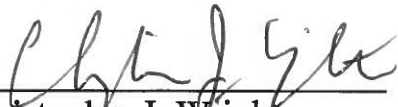
Sprint Corporation is a publicly traded Delaware corporation that provides telecommunications services. Softbank Group Corp., a publicly traded Japanese corporation, owns approximately 80% of Sprint Corporation's outstanding stock.

Windstream Services, LLC is a Delaware limited liability company that provides telecommunications services through its operating subsidiaries.

Windstream Services, LLC has one member, Windstream Holdings, Inc., which is

a publicly traded company. No other publicly traded company holds an interest of 10 percent or more in Windstream Services, LLC.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on May 8, 2017, the foregoing Protective Petition for Review and Corporate Disclosure Statement were served by hand delivery upon the following parties:

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I further certify that I will cause a copy of the foregoing Protective Petition for Review and Corporate Disclosure Statement to be served via first-class mail, postage prepaid, upon the following parties admitted to participate in the agency proceedings:

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