

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

DIRECT COMMUNICATIONS CEDAR VALLEY, LLC, a Utah limited liability company; TOTAH COMMUNICATIONS, INC., an Oklahoma corporation; H & B COMMUNICATIONS, INC., a Kansas corporation; THE MOUNDRIDGE TELEPHONE COMPANY OF MOUNDRIDGE, a Kansas business organization; PIONEER TELEPHONE ASSOCIATION, INC., a Kansas corporation; TWIN VALLEY TELEPHONE, INC., a Kansas corporation; and PINE TELEPHONE COMPANY, INC., an Oklahoma corporation,

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION,

and the UNITED STATES OF AMERICA,

Respondents.

Case No. 11-9581

IN RE: FCC 11-161

Case No. 11-9900

**MOTION OF WESTERN TELECOMMUNICATIONS ALLIANCE  
FOR LEAVE TO INTERVENE**

Pursuant to 47 U.S.C. § 402(e), 28 U.S.C. § 2348, and Federal Rule of Appellate Procedure 15(d), the Western Telecommunications Alliance (“WTA”)<sup>1</sup> hereby moves for leave to intervene as a matter of right in the above-captioned proceeding in support of Petitioners Direct Communications Cedar Valley, LLC, Totah Communications, Inc., H & B Communications, Inc., The Moundridge Telephone Company of Moundridge, Pioneer Telephone Association, Inc., Twin Valley Telephone, Inc., and Pine Telephone

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<sup>1</sup> Attached to this Motion is the Corporate Disclosure Statement of WTA, as required by Rule 26.1 of the Federal Rules of Appellate Procedure. Also attached is a certification regarding ECF filings, as required by this Court.

Company, Inc., in the above-captioned matter.<sup>2</sup>

Petitioners in this case seek review of the Federal Communications Commission's Report and Order, *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 an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, CC Docket Nos. 01-92. *et al.*, FCC 11-161 (rel. Nov. 18, 2011) (“Order”).<sup>3</sup>

In the Order, the FCC adopted new regulations addressing the universal service and intercarrier compensation obligations of communications providers. WTA participated in the agency rulemaking proceedings below on multiple occasions. WTA is a trade association that represents approximately 250 rural incumbent local exchange carriers (“ILECs”) operating west of the Mississippi River, including several of the Petitioners. Among other things, WTA represents its ILEC members in rulemaking proceedings before the Respondent Federal Communications Commission, and has focused particularly upon rulemaking proceedings involving universal service and intercarrier compensation issues.

WTA's interests, including the interests of its member companies, are substantially and directly affected by the Order and would be affected directly by a decision of this Court to stay, modify, affirm, or set aside the Order. No other party specifically and exclusively represents the interests of ILECs in the Western states. Consequently, WTA's interests diverge in important respects from the interests of the other parties to this and the related appellate cases. WTA therefore moves for leave to intervene as a matter of right under 28 U.S.C. § 2348 and 47 U.S.C. § 402(e).

WTA respectfully requests that it be granted leave to intervene on behalf of Petitioners in the above-captioned proceeding and in any other proceedings with which this case may be consolidated.

Dated this 6th day of January, 2012.

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<sup>2</sup> On December 14, 2011, the Judicial Panel on Multidistrict Litigation randomly assigned a number of petitions for review of the Order to this Court.

<sup>3</sup> In the same document as the Order, the FCC also adopted a Further Notice of Proposed Rulemaking, which is not the subject of the instant petition for review.

By: s/ Gerard J. Duffy

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Case No. 11-9900

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, the Western Telecommunications Alliance (“WTA”) submits this Corporate Disclosure Statement.

WTA is a trade association that represents approximately 250 rural incumbent local exchange carriers (“ILECs”) operating west of the Mississippi River. Among other things, WTA represents its ILEC members in rulemaking proceedings before the Respondent Federal Communications Commission. WTA has no parent company, and no publicly held company owns ten percent or more of its stock or comparable ownership interest.

Dated this 6th day of January, 2012.

By: s/ Gerard J. Duffy

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

I hereby certify that I have scanned for viruses the Portable Document Format version of the attached document, which was submitted in this case through the Court's CM/ECF system. I scanned the document using Malwarebytes Anti-Malware, version 1.60.0.1800, database version 2012.01.06.03, and according to that program, the document was free of viruses.

I further certify that no privacy redactions were required.

/s Salvatore Taillefer, Jr.

Salvatore Taillefer, Jr.

## CERTIFICATE OF SERVICE

I hereby certify that I have on this 6th day of January, 2012, caused a copy of the foregoing “Motion of Western Telecommunications Alliance for Leave to Intervene” and “Corporate Disclosure Statement” to be filed using the Court’s CM/ECF system.

I further certify that the foregoing documents were furnished through (ECF) electronic service to all parties in this case through a registered CM/ECF, except the following, for which service was furnished by US Mail, postage prepaid:

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This document is available for viewing and downloading on the CM/ECF system.

s/ Salvatore Taillefer, Jr.  
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Salvatore Taillefer, Jr.