

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRAND X INTERNET SERVICES,
Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION,
Respondent.

No. 02-70518
FCC No.
FCC-Act 2-77

EARTHLINK, INC.,
Petitioner,

SBC COMMUNICATIONS, INC.,
Intervenor,

v.

FEDERAL COMMUNICATIONS
COMMISSION,
Respondent.

No. 02-70684
FCC No.
FCC-02-77

VERIZON TELEPHONE COMPANIES,
Verizon Internet Solutions d/b/a
Verizon.Net,
Petitioners,

SBC COMMUNICATIONS, INC.,
Intervenor,

v.

FEDERAL COMMUNICATIONS
COMMISSION,
Respondent.

No. 02-70685
FCC No.
FCC-02-1100

CONSUMER FEDERATION OF AMERICA;
CONSUMERS UNION; CENTER FOR
DIGITAL DEMOCRACY,

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION,

Respondent.

No. 02-70686

FCC No.
FCC-02-77

PEOPLE OF THE STATE OF
CALIFORNIA EX REL. BILL LOCKYER;
PUBLIC UTILITIES
COMMISSION OF THE STATE OF
CALIFORNIA,

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION; UNITED STATES OF
AMERICA,

Respondents.

No. 02-70879

FCC Nos.
GN-00185
CS-02-52

NATIONAL LEAGUE OF CITIES;
NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND
ADVISORS; UNITED STATES
CONFERENCE OF MAYORS; NATIONAL
ASSOCIATION OF COUNTIES; TEXAS
COALITION OF CITIES FOR UTILITY
ISSUES,

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION,

Respondent.

No. 02-71425

FCC Nos.
GN-00-185
CS-02-52

CONESTOGA TOWNSHIP; PROVIDENCE
TOWNSHIP; MARTIC TOWNSHIP;
BUCKINGHAM TOWNSHIP; EAST
HEMPFIELD TOWNSHIP,

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION, and UNITED STATES OF
AMERICA,

Respondents.

No. 02-72251

FCC No.
FCC-02-52
ORDER

On Remand from the Supreme Court of the United States

Filed January 23, 2006

Before: Richard D. Cudahy,* Diarmuid F. O'Scannlain, and
Sidney R. Thomas, Circuit Judges.

ORDER

In accordance with the Supreme Court's decision in *National Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 125 S. Ct. 2688 (2005), the Federal Communications Commission's declaratory ruling is **AFFIRMED**.

*The Honorable Richard D. Cudahy, Senior United States Circuit Judge for the Seventh Circuit, sitting by designation.

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