

In the
**UNITED STATES COURT OF APPEALS
 FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Natural Resources Defense Council)	
Petitioners,)	
)	
v.)	Case No. 18-
)	
FEDERAL COMMUNICATIONS)	
COMMISSION and UNITED)	
STATES OF AMERICA)	
Respondents.)	
)	

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15, Circuit Rule 15, 5 U.S.C. § 706, 47 U.S.C. § 402(a) and 28 U.S.C. § 2342(1), the NATURAL RESOURCES DEFENSE COUNCIL (NRDC) petitions the United States Court of Appeals for the District of Columbia for review of the order adopted by the Federal Communications Commission (FCC) on March 22, 2018. A summary of the order, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, was published in the Federal Register on May 3, 2018. 83 Fed. Reg. 19440. In accordance with Local Rule 15(b), a copy of the full text of the FCC's order is attached as **Exhibit A**.

Venue is proper in this Court pursuant to 28 U.S.C. § 2343. By filing within 10 days of publication in the Federal Register, NRDC has the right to be included

in the judicial lottery if one should be necessary. 28 U.S.C. § 2112(a); 47 C.F.R. § 1.13(a)(1).

NRDC seeks a determination by this Court that the Order is arbitrary, capricious and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; violates federal law, including but not limited to, the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA); conflicts with the notice-and-comment rulemaking requirements of 5 U.S.C § 553; and is otherwise contrary to law.

The FCC's Order harms the interests of NRDC and its members. Meaningful public participation and environmental review is at the core of effective environmental protection and wise government decision-making. NRDC members participate in various reviews under both NEPA and the NHPA. The Order's changes will limit the ability of NRDC members to influence the siting of wireless facilities in their communities, as well as on the public lands they use and seek to protect.

The exclusion of small wireless facilities from the definition of "major federal action" under NEPA and "undertaking" under the NHPA will allow the siting of numerous facilities without any review or notice to the public. Some of these facilities will have little or no impact. But others may have significant

impact either individually or cumulatively. Distinguishing between those with impact and those without is the point of the review process under NEPA and the NHPA. The elimination of such review denies NRDC members both the voice and the protections that Congress has provided them.

NRDC petitions the Court to declare the FCC's Order unlawful and vacate it.

/s/ Sharon Buccino

Sharon Buccino (DC Circuit Bar # 42646)
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Dated: May 14, 2018

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CORPORATE DISCLOSURE STATEMENT

Pursuant to the United States Court of Appeals for the District of Columbia Rule 26.1 and Federal Rule of Appellate Procedure 26.1, Natural Resources Defense Council respectfully states that it is a non-profit corporation with no parent companies, subsidiaries or affiliates and has not issued shares to the public.

Respectfully submitted,

/s/ Sharon Buccino

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May 14, 2018

CERTIFICATE OF SERVICE

I hereby certify that, on May 14, 2018, I caused one copy of the foregoing Petition for Review and Corporate Disclosure Statement to be served on the following counsel by the manner indicated:

By Overnight Mail and Electronic Mail

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By Overnight Mail

Hon. Jeff Sessions
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/s/ Craig Dylan Wyatt

Craig Dylan Wyatt