

# **SDN PETITION FOR REVIEW**

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

<p style="text-align:center">SOUTH DAKOTA NETWORK, LLC</p> <p style="text-align:center">Petitioner,</p> <p style="text-align:center">v.</p> <p style="text-align:center">FEDERAL COMMUNICATIONS COMMISSION and the UNITED STATES OF AMERICA,</p> <p style="text-align:center">Respondents.</p>	<p style="text-align:center">Case. No. _____</p>
--	--

**PETITION FOR REVIEW**

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, 5 U.S.C. § 702 and 704, and Federal Rule of Appellate Procedure 15(a), South Dakota Network, LLC (“SDN”) hereby petitions for review of the Memorandum Opinion and Order (“Order”) of the Federal Communications Commission (“FCC”) adopted on February 28, 2019 in WC Docket No. 18-100, Transmittal No. 13 as FCC 19-15. A copy of the Order is attached hereto, and is available online at <https://docs.fcc.gov/public/attachments/FCC-19-15A1.pdf> (last visited April 25, 2019).

Venue is proper in this Court pursuant to 28 U.S.C. § 2343. SDN was a participant in the proceeding below and is aggrieved by the Order. SDN seeks review on the grounds that the Order exceeds the FCC’s jurisdiction and authority,

violates the Communications Act and the Administrative Procedure Act, and is arbitrary and capricious, an abuse of discretion, not supported by substantial evidence, and otherwise contrary to law. SDN respectfully requests that the Court hold unlawful, vacate, enjoin, and set aside the Order and grant such further relief as may be appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B.H. Dickens, Jr.", written in a cursive style.

Benjamin H. Dickens, Jr.  
Mary J. Sisak  
Salvatore Taillefer, Jr.

Blooston, Mordkofsky, Dickens,  
Duffy & Prendergast, LLP  
2120 L Street, N.W., Suite 300  
Washington, D.C. 20037  
Tel: 202-828-5510

Dated: April 29, 2019

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

---

<p style="text-align:center">SOUTH DAKOTA NETWORK, LLC</p> <p style="text-align:center">Petitioner,</p> <p style="text-align:center">v.</p> <p style="text-align:center">FEDERAL COMMUNICATIONS COMMISSION and the UNITED STATES OF AMERICA,</p> <p style="text-align:center">Respondents.</p>	<p style="text-align:center">Case. No. _____</p>
--	--

---

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1, South Dakota Network, LLC (“SDN”) hereby submits the following corporate disclosure statement:

SDN is a regulated telecommunications provider. It has no parent corporation, and no publicly held corporation owns 10% or more of its issued and outstanding stock. The general nature and purpose of the company is to provide telecommunications services, including centralized equal access (“CEA”) service, throughout South Dakota. SDN’s CEA service connects the telecommunications networks local telephone companies to the telecommunications networks of long distance telephone companies, thus enabling long distance calls to be completed. CEA service is an intermediate carrier service that does not provide telephone

service directly to end-user consumers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Dickens, Jr.", with a stylized flourish at the end.

Benjamin H. Dickens, Jr.

Blooston, Mordkofsky, Dickens,  
Duffy & Prendergast, LLP  
2120 L Street, N.W., Suite 300  
Washington, D.C. 20037  
Tel: 202-828-5510

Dated: April 29, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 29, 2019, the foregoing **Petition for Review** was served on the following parties:

*Via U.S. Mail:*

Thomas Johnson  
General Counsel  
Federal Communications  
Commission  
445 12th Street, SW  
Washington, DC 20554

The Honorable William Barr  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

*Via Electronic Mail:*

G. David Carter  
Womble Bond Dickinson LLP  
1200 19<sup>th</sup> Street NW, Suite 500  
Washington, DC 20036  
[david.carter@wbd-us.com](mailto:david.carter@wbd-us.com)

Timothy M. Boucher  
1025 Eldorado Blvd  
Interlocken 2000 Fl 3 #23-313  
Broomfield, CO 80021  
[Timothy.Boucher@CenturyLink.com](mailto:Timothy.Boucher@CenturyLink.com)

By:



Salvatore Taillefer, Jr.  
Blooston, Mordkofsky,  
Dickens, Duffy &  
Prendergast, LLP  
2120 L Street, N.W., Suite 300  
Washington, D.C. 20037