

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

CALIFORNIA PUBLIC UTILITIES	)	
COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 26-3955
	)	
FEDERAL COMMUNICATIONS COMMISSION	)	
AND UNITED STATES OF AMERICA,	)	
	)	
Respondents.	)	

**MOTION TO TRANSFER**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and this Court’s Rule 27, the Federal Communications Commission asks the Court to transfer the captioned petition for review to the United States Court of Appeals for the Sixth Circuit. As discussed below, such transfer is required by 28 U.S.C. § 2112(a)(5), because the Sixth Circuit has been designated the forum for all judicial challenges to the order that is the subject of the petition for review. Opposing counsel has authorized counsel for the FCC to state that Petitioner does not oppose this motion.

**ARGUMENT**

Section 2112(a) provides that if, “within 10 days after issuance” of an agency order, petitions for review are filed in multiple courts of appeals, the

Judicial Panel on Multidistrict Litigation “shall, by means of random selection, designate one court of appeals” in which all petitions for review of the “same order” shall be consolidated. 28 U.S.C. § 2112(a)(1) & (3). Section 2112(a) further states that the courts of appeals, other than the one so designated by the Judicial Panel, “shall transfer” their petitions for review to the designated court. *Id.* § 2112(a)(5).

Petitioner in this case seeks review of an FCC Order: *Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization*, Report and Order, WC Docket Nos. 25-209, 25-208, FCC 26-19 (rel. March 27, 2026) (Order). On May 13, 2026, the Judicial Panel required all petitions for review of the Order to be consolidated in the Sixth Circuit pursuant to section 2112(a).<sup>1</sup> Because Petitioner challenges that order, this Court is statutorily required to transfer this case to the Sixth Circuit pursuant to section 2112(a)(5). Therefore, the Commission respectfully requests that the Court transfer this case to the Sixth Circuit.

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<sup>1</sup> *In re Federal Communications Commission, Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization*, Consolidation Order (JPML May 13, 2026) (copy attached as Exhibit 1).

Respectfully submitted,

D. Adam Candeub  
General Counsel

Sarah E. Citrin  
Deputy Associate General Counsel

/s/ Maureen K. Flood

Maureen K. Flood  
Counsel

Federal Communications Commission  
Washington, D.C. 20554  
(202) 418-1753

June 25, 2026

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*/s/ Maureen K. Flood*

Maureen K. Flood  
*Counsel*

Federal Communications Commission  
Washington, D.C. 20554  
(202) 418-1740