

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

COMPTTEL, AMERICAN LIBRARY ASSOCIATION,
ASSOCIATION OF RESEARCH LIBRARIES,
CENTER FOR DEMOCRACY & TECHNOLOGY,
ELECTRONIC FRONTIER FOUNDATION,
ELECTRONIC PRIVACY INFORMATION CENTER,
PULVER.COM, and SUN MICROSYSTEMS,

Petitioners

v.

05-1408

No. _____

FEDERAL COMMUNICATIONS COMMISSION, and
UNITED STATES OF AMERICA,

Respondents.

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Federal Rule of Appellate Procedure 15(a), American Library Association, Association of Research Libraries, COMPTTEL, the Center for Democracy and Technology, the Electronic Frontier Foundation, the Electronic Privacy Information Center, Pulver.com, and Sun Microsystems, Inc., hereby petition this Court to review the "First Report and Order" of the Federal Communications Commission in *In the Matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services*, ET Docket No. 04-295, RM-10865, FCC 05-153, summarized in the Federal Register on October 13, 2005, at 70 Fed. Reg. 59664 (the "Order").¹ A copy of the Order is attached. Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

¹ The First Report and Order is a part of a document entitled "First Report and Order and Further Notice of Proposed Rulemaking," *In the Matter of Communications Assistance for Law Enforcement Act*, ET Docket No. 04-295, RM-10865, FCC 05-153 (released Sep. 23, 2005), summarized 70 Fed. Reg. 59664 (Oct. 13, 2005). This petition does not seek review of the Further Notice of Proposed Rulemaking portion of the FCC's action.

Petitioners seek relief from the Order on the grounds that it exceeds the Commission's statutory authority and is arbitrary, capricious, unsupported by substantial evidence, and contrary to law. Petitioners request that this Court vacate the Order and the Final Rules adopted therein and grant such other relief as may be appropriate.

Respectfully submitted,

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