

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

The Minnesota Public Utilities  
Commission,

Petitioner,

No. \_\_\_\_\_

v.

**PETITION FOR REVIEW**

Federal Communications Commission  
and United States of America,

Respondents.

The Minnesota Public Utilities Commission, pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, hereby petitions this Court for review of the Memorandum Opinion and Order (“Order”) of the Federal Communications Commission (“FCC”) in *In re Vonage Holdings Corporation, Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, released November 12, 2004 (“FCC Order”). A copy of the Declaratory Ruling is attached hereto. Venue is proper in this Court pursuant to 28 U.S.C. § 2343, as the Petitioner resides and has its principal office in this judicial circuit.

Petitioner seeks an order and judgment from the Court that the FCC’s Order be set aside as it is in excess of the FCC’s statutory jurisdiction, authority, or limitations, or short of statutory right, 5 U.S.C. § 706(2)(C); is arbitrary,

capricious, an abuse of discretion and otherwise not in accordance with law, 5 U.S.C. § 706(2)(A); or is otherwise unlawful, 5 U.S.C. § 706(2).

Dated: \_\_\_\_\_

Respectfully submitted,

MIKE HATCH  
Attorney General  
State of Minnesota

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