

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

The Public Utilities Commission of Ohio

Petitioner,

v.

Federal Communications Commission
And United States of America,

Respondents.

Case No. _____

Appeal from the Federal
Communications Commission

*In the Matter of Vonage Holdings
Corporation Petition for
Declaratory Ruling Concerning an
Order of the Minnesota Public
Utilities Commission
WC Docket No. 03-211*

PETITION FOR REVIEW

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, the Public Utilities Commission of Ohio petitions this Court for review of the Memorandum Opinion and Order (“Order”) of the Federal Communications Commission (“Commission”) in *In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211. A copy of the Memorandum Opinion and Order released November 12, 2004 is attached to this pleading and designated as “Appendix A.” Venue is properly placed in this Court in accordance with 28 U.S.C. § 2343.

Petitioner seeks an order and judgment that the Commission’s order is in excess of the Commission’s statutory jurisdiction, authority, or limitations, or short of statutory

right, 5 U.S.C. § 706(2)(C); and is arbitrary, capricious, an abuse of discretion and otherwise contrary to law, 5 U.S.C. § 706(2)(A).

Respectfully submitted,

Jim Petro
Ohio Attorney General

Steven T. Nourse
Duane W. Luckey
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, Ohio 43215
Telephone: (614) 466-4396
Fax: (614) 644-8764

Attorneys for the Public Utilities
Commission of Ohio

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