

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

ALLIANCE FOR COMMUNITY MEDIA)	
)	
Petitioner)	
)	
v.)	No. _____
)	
FEDERAL COMMUNICATIONS)	
COMMISSION and the UNITED STATES)	
OF AMERICA)	
)	
Respondents)	

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342-2344, and Federal Rule of Appellate Procedure 15(a), the Alliance for Community Media (“ACM”) hereby respectfully petitions the court for review of the Federal Communications Commission’s (“FCC”) Report and Order, *In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, FCC 06-180, MB Docket No. 05-311, which was adopted December 20, 2006, and released March 5, 2007 (“Order”). A summary of the *Order* was published in the Federal Register on March 21, 2007. 72 Fed. Reg. 13189 (March 21, 2007). A copy of the *Order* is attached as Exhibit A.

This *Petition for Review* has been filed within ten days of the issuance of the *Order*, and thus is subject to the procedures established under 28 U.S.C. §2112(a), should other qualified *Petitions for Review* be filed in different Courts of Appeals.

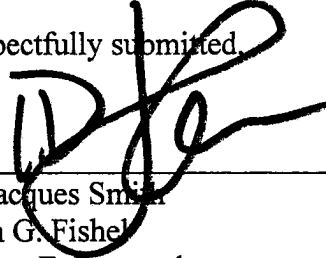
Venue is proper under 28 U.S.C. §2343 because ACM is a non-profit corporation organized under the laws of the State of Ohio.

ACM is a nonprofit, national membership organization that represents 3,000 public, educational and governmental cable television access organizations and community media centers across the nation, and is therefore associated with the use of public, educational, and governmental (PEG) access channels provided by cable operators pursuant to local franchises under Section 611 of the Cable Act, 47 U.S.C. §531. ACM filed comments in the FCC proceeding leading up to the *Order* on review. In the *Order*, the FCC adopted rules and policies addressing issues concerning the award of competitive franchises by local franchising authorities.

ACM seeks review of the *Order* on the grounds that it exceeds the FCC's statutory authority, is arbitrary and capricious, an abuse of discretion, unsupported by substantial evidence, in violation of the United States Constitution, including, without limitation, the Fifth and Tenth Amendments, and is otherwise contrary to law. The *Order* also violates both the Communications Act and Administrative Procedure Act's public notice requirements.

ACM respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the *Order*. ACM also requests that this Court grant such other relief as it may deem appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Jacques Smith', written over a horizontal line.

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