

KISSINGER & FELLMAN, P.C.

ATTORNEYS AT LAW
PTARMIGAN PLACE, SUITE 900
3773 CHERRY CREEK NORTH DRIVE
DENVER, COLORADO 80209
TELEPHONE: (303) 320-6100
FAX: (303) 327-8601
www.kandf.com

RICHARD P. KISSINGER
KENNETH S. FELLMAN
JONATHAN M. ABRAMSON
BRANDON M. DITTMAN

BOBBY G. RILEY
JULIE NIKOLAEVSKAYA
COLLEEN E. MCCROSKEY
PAUL D. GODEC, SPECIAL COUNSEL

November 30, 2021

VIA FEDERAL EXPRESS

Honorable Scott S. Harris
Clerk of Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

***Re: City of Eugene, Oregon v. Federal Communications Commission, No. 21-661
Response in Support of Granting Petition for a Writ of Certiorari***

Dear Mr. Harris:

We represent the below listed Respondents that were not Petitioners in the above-captioned case. These Respondents will not be filing a brief at this stage of the proceedings but agree that certiorari should be granted for the reasons set forth in the petition.

1. City of Aurora, Colorado
2. City of Bellingham, Washington
3. Colorado Communications and Utility Alliance
4. City and County of Denver, Colorado
5. City of Kent, Washington
6. King County, Washington
7. City of Lacey, Washington
8. City of Olympia, Washington
9. Rainier Communications Commission
10. City of Seattle, Washington
11. Thurston County, Washington
12. City of Tumwater, Washington
13. Washington Association of Telecommunications Officers and Advisors

Very truly yours,
KISSINGER & FELLMAN, P.C.



Kenneth S. Fellman
kfellman@kandf.com

KSF/eaj

cc: Attached Proof of Service List (via email)

In the Supreme Court of the United States

CITY OF EUGENE, OREGON, ET AL.,
Petitioners,
v.

FEDERAL COMMUNICATIONS COMMISSION
AND THE UNITED STATES OF AMERICA,
Respondents.

PROOF OF SERVICE

I, Kenneth S. Fellman, a member of the Supreme Court Bar, hereby certify that on the 30th day of November, 2021, I caused a true and correct copy of the foregoing Endorsement Letter in the captioned case to be served on the following counsel via email. I further certify that all parties required to be served have been served.

Elizabeth B. Prelogar
Solicitor General
UNITED STATES DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW Room 5616
Washington, DC 20530-0001
Via Email (supremectbriefs@usdoj.gov)

Jacob M. Lewis
Richard K. Welch
Maureen K. Flood
FEDERAL COMMUNICATIONS COMMISSION
Office of General Counsel Litigation Division
45 L Street, NE Room 8-A765
Washington, DC 20554
Via Email (jacob.lewis@fcc.gov; richard.welch@fcc.gov; maureen.flood@fcc.gov)
Counsel for the Federal Communications Commission

Adam D. Chandler
Robert B. Nicholson
UNITED STATES DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW Room 3312
Washington, DC 20530-0001

Via Email (adam.chandler@usdoj.gov; robert.nicholson@usdoj.gov)
Counsel for United States of America

Howard J. Symons
Jessica Ring Amunson
Ian H. Gershengorn
JENNER & BLOCK LLP
1099 New York Avenue, NW Suite 900
Washington, DC 20001-4412
Via Email (hsymons@jenner.com; jamunson@jenner.com;
igershengorn@jenner.com)
Counsel for NCTA – The Internet and Television Association

Michael R. Bradley
Michael Clarke Athay
BRADLEY LAW, LLC
2145 Woodland Drive, Suite 106
Woodbury, MN 55125
Via Email (mike@bradleylawmn.com;
michael.athay@bradleylawmn.com)
Counsel for City of Edmond, Oklahoma; City of Edmonds, Washington; City of Minneapolis, Minnesota; City of Oklahoma City, Oklahoma; City of Philadelphia, Pennsylvania; City of Sioux Falls, South Dakota; North Metro Telecommunications Commission; North Suburban Communications Commission; Northwest Suburban Cable Communications Commission; South Washington County Telecommunications Commission

Daniel S. Cohen
Joel S. Winston
COHEN LAW GROUP
413 South Main Street
Pittsburgh, PA 15215
Via Email (dcohen@cohenlawgroup.org; jwinston@cohenlawgroup.org)
Counsel for City of Pittsburgh, Pennsylvania

Elina Druker
NEW YORK CITY LAW DEPARTMENT
100 Church Street 6th Floor
New York, NY 10007
Via Email (edruker@law.nyc.gov)
Counsel for City of New York, New York

Brian T. Grogan
MOSS & BARNETT
150 South Fifth Street Suite 1200
Minneapolis, MN 55402
Via Email (Brian.Grogan@lawmoss.com)
Counsel for City of Bloomington, Minnesota; City of Chicago, Illinois; City of Fridley, Minnesota; City of Omaha, Nebraska; City of St. Louis Park, Minnesota;

City of St. Paul, Minnesota; City of Tacoma, Washington; City of Worthington, Minnesota; Chicago Access Corporation; North Dakota County Cable Communications Commission; Southwest Suburban Cable Commission

Gary I. Resnick
GRAYROBINSON, P.A.
401 East Las Olas Boulevard Suite 1000
Fort Lauderdale, FL 33301
Via Email (gary.resnick@gray-robinson.com)
Counsel for City of Coral Gables, Florida; City of Pembroke Pines, Florida; Florida League of Cities, Inc.

Tillman L. Lay
Jeffrey M. Bayne
Lauren L. Springett
SPIEGEL & MCDIARMID LLP
1875 Eye Street, NW, Suite 700
Washington, DC 20006
Via Email (tim.lay@spiegelmcld.com)
Counsel for City of Eugene, Oregon, City of Bowie, Maryland; City of Palo Alto, California; City of Portland, Maine; City of San Antonio, Texas; City of San Francisco, California and San Francisco County, California; Marin County, California; Alliance for Communications Democracy; Alliance for Community Media; United States Conference of Mayors

Joseph VanEaton
Cheryl A. Leanza
BEST BEST & KRIEGER LLP
1800 K Street, NW, Suite 725
Washington, DC 20006
Via Email (joseph.vaneaton@bbklaw.com; Cheryl.leanza@bbklaw.com)
Counsel for City of Portland, Oregon; City of Boston, Massachusetts; City of Kirkland, Washington; City of Lincoln, Nebraska; Anne Arundel County, Maryland; Fairfax County, Virginia; Howard County, Maryland; Los Angeles County, California; Prince George's County, Maryland; District of Columbia; State of Hawaii; National Association for Telecommunications Officers and Advisors; The Sacramento Metropolitan Cable Television Commission; Texas Coalition of Cities for Utility Issues, City of Austin, Texas; City of Baltimore, Maryland; City of Bellevue, Washington; City of Brookhaven, Georgia; City of Carmel, Indiana; City of Chevy Chase Village, Maryland; City of College Park, Maryland; City of Davis, California; City of Dearborn, Michigan; City of Dubuque, Iowa; City of Fairview, Oregon; City of Gaithersburg, Maryland; City of Grandville, Michigan; City of Greenbelt, Maryland; City of Hudsonville, Michigan; City of Laredo, Texas; City of Laurel, Maryland; City of Los Angeles, California; City of Madison Heights, Michigan; City of Southfield, Michigan; City of Wilmington, Delaware; City of Yuma, Arizona; Montgomery County, Maryland; Bloomfield Township, Michigan; Jamestown Township, Michigan; Meridian Township, Michigan; Michigan Coalition to Protect Public Rights of Way; Mt. Hood Cable Regulatory Commission; National Association of

*Telecommunications Officers and Advisors; Ramsey / Washington Counties
Suburban Cable Communications Commission*

Michael J. Watza

KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK

One Woodward Avenue, Suite 2400

Detroit, MI 48226-5485

Via Email (mike.watza@kitch.com)

Counsel for City of Livonia, Michigan, et al.

Respectfully submitted,



Kenneth S. Fellman

KISSINGER & FELLMAN, P.C.

3773 Cherry Creek N. Drive, #900

Denver, CO 80209