

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

STATES OF INDIANA, ARKANSAS,
ALABAMA, FLORIDA, GEORGIA,
IDAHO, IOWA, MISSOURI, OHIO,
SOUTH CAROLINA, SOUTH
DAKOTA, TENNESSEE, UTAH, and
VIRGINIA,

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES,

Respondents.

No. 24-2983

**OFFICE OF COMMUNICATION
OF THE UNITED CHURCH OF CHRIST, INC.
MOTION TO INTERVENE**

Pursuant to 28 U.S.C. § 2348, 47 U.S.C. § 402(e), and Federal Rule of Appellate Procedure 15(d), the Office of Communication of the United Church of Christ, Inc. (d/b/a United Church of Christ Media Justice Ministry) (“UCC Media Justice”) moves to intervene as of right in the above-captioned case concerning an order of the Federal Communications Commission (“FCC” or “Commission”). *See* Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking, *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate*

Calling Services, WC Docket Nos. 23-62 & 12-375, FCC 24-75 (rel. July 22, 2024) (“*Order*”).

UCC Media Justice moves to intervene in support of Respondents in the above-captioned matter.¹ On September 30, 2024, the States of Indiana, Arkansas, Alabama, Florida, Georgia, Idaho, Iowa, Missouri, Ohio, South Carolina, South Dakota, Tennessee, Utah, and Virginia filed in this Court a petition for review challenging the *Order*. Pet. for Review, *State of Indiana, et al. v. FCC*, No. 24-2983 (8th Cir. Sept. 30, 2024). Earlier filed petitions for review of the *Order* that originated in the First, Third, Fourth, and Fifth Circuits are currently before the First Circuit as consolidated cases in *In re MCP 191*, No. 24-8028. The First Circuit has granted UCC Media Justice’s motion to intervene in support of Respondents in those proceedings. *See* Order of the Court, *In re MCP 191*, No. 24-8028 (1st Cir. Oct. 28, 2024).

UCC Media Justice is an “interested party” within the meaning of 28 U.S.C. § 2348, 47 U.S.C. § 402(e), and Federal Rule of Appellate Procedure 15(d). UCC Media Justice is the media justice and communications rights ministry of the United Church of Christ (“UCC”), a mainline Protestant denomination with about 4,600 congregations and churches nationwide. The United Church of Christ’s

¹ Respondents have stated that they consent to the filing of this motion. Petitioners have stated that they will oppose the motion.

members, local churches, clergy, and national and local ministries, including the national faith education, innovation and formation team, include people who use incarcerated people’s communications services (“IPCS”) to communicate with their incarcerated loved ones, family members, or congregants. UCC Media Justice’s legal interest in this matter is distinct from that of Petitioners or Respondents. UCC Media Justice represents only and fully the interests of clergy, family members, and loved ones seeking to preserve and enhance their ability to communicate with incarcerated people. The arguments advanced by UCC Media Justice in representing those interests have at times aligned with Respondents’ interpretation of the record and controlling law, and at times have not.²

UCC Media Justice has actively defended incarcerated people’s rights to access communications services for more than a decade by participating in Commission proceedings and related litigation with respect to the cost of communications in carceral facilities. UCC Media Justice participated in the underlying rulemaking proceedings through comments, reply comments, and ex parte filings over many years.³ UCC Media Justice intervened in previous litigation

² See, e.g., *Order* ¶ 64 & n.216 (disagreeing with UCC Media Justice’s interpretation of 47 U.S.C. § 271(b)(1)(A)).

³ See, e.g., *In re Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62 & 12-375, Media Justice Opening Comments (May 8, 2023),

over Commission rules regulating IPCS providers. *See Global Tel*Link v. FCC*, No. 15-1461 (D.C. Cir. Dec. 18, 2015).

UCC Media Justice has a strong interest in promoting and preserving just and reasonable rates for IPCS. The UCC and its members will directly benefit from the FCC's *Order* because the *Order* will lower the cost of IPCS. The *Order* will also contribute to safer communities and stronger families inside and outside of the UCC by making it easier for incarcerated people to maintain ties with their family members, loved ones, and clergy, and to succeed when they rejoin their communities. The *Order* faithfully implements the Martha Wright-Reed Act,⁴ which UCC Media Justice supported in Congress, and makes IPCS more accessible, affordable, and sustainable. The UCC and its members would be adversely affected if the *Order* on review is vacated, enjoined, or set aside.

WHEREFORE, UCC Media Justice respectfully requests that this Court grant its motion to intervene as of right in the above-captioned case, and grant all other relief as may be just and proper.

Media Justice Reply Comments (July 12, 2023), Media Justice Ex Parte (July 12, 2024).

⁴ Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156.

Respectfully submitted,

/s/ Erik Stallman

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Dated: October 30, 2024

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1(a), Office of Communication of the United Church of Christ, Inc. respectfully submits this Corporate Disclosure Statement. Office of Communication of the United Church of Christ, Inc. states that it is a nonprofit organization with no parent corporations or stock.

Respectfully submitted,

Dated: October 30, 2024

/s/ Erik Stallman

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CERTIFICATE OF COMPLIANCE

I, Erik Stallman, certify that the foregoing Motion to Intervene complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2) because it contains 751 words. I further certify that this Motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2024 in Times New Roman 14-point font.

Dated: October 30, 2024

/s/ Erik Stallman

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CERTIFICATE OF SERVICE

I, Erik Stallman, hereby certify that on October 30, 2024, I electronically filed the foregoing Motion to Intervene and Corporate Disclosure Statement using the CM/ECF system in docket numbers 24-2983. Participants in these cases that are registered CM/ECF users will be served by the CM/ECF system.

Dated: October 30, 2024

/s/ Erik Stallman

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