

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

OHIO TELECOM ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION; UNITED STATES OF
AMERICA,

Respondents.

No. 24-3133

**UNOPPOSED MOTION TO INTERVENE OF
HAMILTON RELAY, INC.**

Pursuant to 28 U.S.C. § 2348 and Rule 15(d) of the Federal Rules of Appellate Procedure, Hamilton Relay, Inc. (“Hamilton”) hereby moves for leave to intervene in support of Petitioner.

Hamilton has discussed this motion with counsel for Respondents, the Federal Communications Commission (“FCC”) and the United States of America, as well as counsel for Petitioner, and all have stated that they do not oppose this motion.

Petitioner seeks review of the FCC’s decision in *Data Breach Reporting Requirements*, Report and Order, WC Docket No. 22-21, FCC 23-111 (rel. Dec. 21, 2023) (“*Order*”). The *Order* modifies and expands the FCC’s data breach notification rule and applies to Telecommunications Relay Service (“TRS”) providers and telecommunications carriers.

Hamilton is a Nebraska corporation that provides TRS to individuals who are deaf, hard of hearing, DeafBlind, or have difficulty speaking. Hamilton provides intrastate and interstate text telephone, Speech-to-Speech, and captioned telephone services in numerous states through individual state TRS contracts. Hamilton also provides nationwide relay service through its Internet Protocol Captioned Telephone Service, which is regulated by the FCC.

Hamilton is entitled to intervene because it was a party in interest in the proceeding leading to the adoption of the *Order* and its interests are adversely affected by the *Order*'s changes to the FCC's data breach notification rule. *See* 28 U.S.C. § 2348 (“[A]ny party in interest in the proceeding before the agency whose interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended, may appear as parties thereto of their own motion and as of right”); 47 U.S.C. § 402(e) (“Any person who would be aggrieved or whose interest would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.”). Hamilton participated in the FCC proceeding by submitting comments that provide its perspective on the FCC's proposed rules in its *Notice of Proposed Rulemaking* adopted prior to the *Order*. *See* Comments of Hamilton Relay, Inc., WC Docket No. 22-21 (filed Feb. 22, 2023); *Data Breach Reporting Requirements*, Notice of Proposed Rulemaking, 38 FCC Rcd. 566 (2023).

Hamilton's interests also would be adversely affected by implementation of the *Order* because the *Order* expands reporting obligations to the FCC and law enforcement agencies and imposes certain other duties on TRS providers such as Hamilton with respect to unauthorized access to or disclosure of customer proprietary network information and personally identifiable information.

Accordingly, Hamilton respectfully requests that this motion to intervene in support of Petitioner be granted.

Date: March 20, 2024

Respectfully submitted,

/s/ Jennifer Tatel

Jennifer Tatel

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

This motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because it contains 464 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and the accompanying documents excluded by Fed. R. App. P. 27(a)(2)(B), (d)(2). This motion has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman, 14-point font.

Date: March 20, 2024

/s/ Jennifer Tatel

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CERTIFICATE OF SERVICE

I hereby certify that, on March 20, 2024, I electronically filed the foregoing Motion to Intervene with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

/s/ Jennifer Tatel
Jennifer Tatel