



2021 Decisions

Opinions of the United
States Court of Appeals
for the Third Circuit

5-7-2021

Prometheus Radio Project v. FCC

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 17-1107, 17-1109, 17-1110, 17-1111

PROMETHEUS RADIO PROJECT

*National Association of Broadcasters
**Cox Media Group LLC,
Intervenors

v.

FEDERAL COMMUNICATIONS COMMISSION;
UNITED STATES OF AMERICA

Prometheus Radio Project and Media Mobilizing Project,
Petitioners in No. 17-1107

Multicultural Media, Telecom and Internet Counsel and
National Association of Black Owned Broadcasters, Inc.,
Petitioners in 17-1109

The Scranton Times, L.P.,
Petitioners in 17-1110

Bonneville International Corporation,
Petitioners in 17-111

* Prometheus Radio Project, Media Mobilizing Project,
Benton Foundation, Common Cause, Media Alliance,
Media Council Hawaii, National Association of Broadcasters
Employees and Technicians Communications Workers of
America, National Organization for Woman Foundation,
Office of Communication of the United Church of Christ Inc.,
Intervenors

*(Pursuant to the Clerk's Order date 1/18/17)

** (Pursuant to the Clerk's Order dated 2/7/17)

Nos. 18-1092, 18-1669, 18-1670, 18-1671, 18-2943 & 18-3335

PROMETHEUS RADIO PROJECT;
MEDIA MOBILIZING PROJECT,
Petitioners (No. 18-1092, 18-2943)

INDEPENDENT TELEVISION GROUP,
Petitioners (No. 18-1669)

MULTICULTURAL MEDIA, TELECOM AND INTERNET COUNCIL, INC.;
NATIONAL ASSOCIATION OF BLACK-OWNED BROADCASTERS,
Petitioners (No. 18-1670, 18-3335)

FREE PRESS;
OFFICE OF COMMUNICATION, INC. OF THE UNITED CHURCH OF CHRIST;
NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES AND
TECHNICIANS-COMMUNICATIONS WORKERS OF AMERICA;
COMMON CAUSE,
Petitioners (No. 18-1671)

v.

FEDERAL COMMUNICATIONS COMMISSION;
UNITED STATES OF AMERICA

On Petition for Review of An Order of
the Federal Communications Commission
(FCC Nos. FCC-1: FCC-16-107; FCC-17-156; FCC-18-114)

Before: AMBRO, SCIRICA and FUENTES, Circuit Judges

JUDGMENT ORDER

By opinion entered on September 23, 2019 and amended judgment entered on September 27, 2019, this Court vacated and remanded the Reconsideration Order and the Incubator Order in their entirety, and vacated and remanded the 2016 Report and Order as to its definition of eligible entities. The Federal Communications Commission and interested industry parties filed petitions for writs of certiorari with the U.S. Supreme Court, which were granted. On April 1, 2021, the Supreme Court reversed the judgment of this Court and remanded for further proceedings.

On consideration whereof, it is now hereby ORDERED AND ADJUDGED that all petitions for review and requests for relief are denied. This Court's prior opinion and amended judgment are hereby VACATED. This Court and panel do not retain jurisdiction. The parties to bear their own costs. The Clerk is directed to issue the mandate.

By the Court,

s/ Thomas L. Ambro
Circuit Judge

Dated: May 7, 2021