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2016 Decisions

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

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6-3-2016

## Prometheus Radio v. FCC

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

**Nos. 03-3388, 03-3577, 03-3578, 03-3579, 03-3580, 03-3581, 03-3582, 03-3651, 03-3665, 03-3675, 03-3708, 03-3894, 03-3950, 03-3951, 03-4072, 03-4073 & 04-1956**

PROMETHEUS RADIO PROJECT

vs.

FEDERAL COMMUNICATIONS COMMISSION;  
UNITED STATES OF AMERICA

Prometheus Radio Project, Petitioner in No. 03-3388  
Media General, Inc., Petitioner in No. 03-3577  
National Association of Broadcasters, Petitioner in No. 03-3578  
The Network Affiliated Stations Alliance, The ABC Television Affiliates Association,  
The CBS Television Affiliates Association and NBC Television Affiliates,  
Petitioners in No. 03-3579  
Fox Entertainment Group, Inc. and Fox Television Stations, Inc.,  
Petitioners in No. 03-3580  
Viacom Inc., Petitioner in No. 03-3581  
National Broadcasting Company, Inc., and Telemundo Communications Group, Inc.,  
Petitioners in No. 03-3582  
Sinclair Broadcast Group, Inc., Petitioner in No. 03-3651  
Media Alliance, Petitioner in No. 03-3665  
Paxson Communications Corporation, Petitioner in No. 03-3675  
National Council of the Churches of Christ in the United States, Petitioner in No. 03-3708  
Tribune Company, Petitioner in No. 03-3894  
Paxson Communications Corporation, Petitioner in No. 03-3950  
Emmis Communications Corporation, Petitioner in No. 03-3951  
Center for Digital Democracy and Fairness and Accuracy in Reporting,  
Petitioners in No. 03-4072  
Clear Channel Communications, Petitioner in No. 03-4073  
American Hispanic Owned Radio Association, Civil Rights Forum on Communications  
Policy, League of United Latin American Citizens, Minority Business Enterprise Legal  
Defense and Education Fund, Minority Media and Telecommunications Council,  
National Asian American Telecommunications Association, National Association of  
Latino Independent Producers, National Coalition of Hispanic Organizations, National  
Council of La Raza, National Hispanic Media Coalition, National Indian  
Telecommunications Institute, National Urban League, Native American Public  
Telecommunications, Inc., PRLDEF-Institute for Puerto Rican Policy, UNITY:

Journalists of Color, Inc. and Women's Institute for Freedom of the Press, Petitioners in  
No. 04-1956

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On Petition for Review of an Order of  
The Federal Communications Commission  
(FCC No. 03-127)

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Argued February 11, 2004

Before: SCIRICA, AMBRO and FUENTES, Circuit Judges

(Opinion filed June 24, 2004)

**ORDER AMENDING PRECEDENTIAL OPINION**

AMBRO, Circuit Judge

IT IS NOW ORDERED that the published Opinion in the above case filed June 24, 2004, be amended as follows:

On page 12, under outline section E, point 2, subsections "a" and "b," replace both of the words "justified" with "justify"

On page 117, on the first line, within subtitle "a," replace the word "justified" with "justify"

On page 118, fifth line down, within subtitle "b," replace the word "justified" with "justify"

On page 118, ninth line down, replace the word "justified" with "justify" so that the phrase reads "the Commission did not sufficiently justify that five equal-sized . . ."

By the Court,

s/ Thomas L. Ambro, Circuit Judge

Dated: June 3, 2016  
tmm/cc: all counsel of record