

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Prometheus Radio Project v. FCC

No. Nos. 17-1107, 17-1109, 17-1110, 17-1111, 18-1092, 18-1669, 18-1670, 18-1671, 18-2943, 18-3335, United States Court of Appeals for the Third Circuit (May 7, 2021)

OPINION

PER CURIAM.

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, Intervenor 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., Intervenor *(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
SSOCIATION 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 2 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 3