

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 06-1076**

**September Term, 2014**

**FCC-07-102  
FCC-70FR39756  
FCC-70FR76704  
FCC-72FR39756**

**Filed On: October 21, 2014**

James A. Kay, Jr.,

Petitioner

v.

Federal Communications Commission and  
United States of America,

Respondents

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Sprint Nextel Corporation and Southern  
Communications Services, Inc., doing  
business as SouthernLINC Wireless,  
Intervenors  
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Consolidated with 06-1082, 07-1218,  
07-1332, 07-1367

**BEFORE:** Henderson, Srinivasan, and Millett, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss of Sprint Corporation, the responses thereto, and the replies; and the motion to dismiss of the Federal Communications Commission (FCC), the responses thereto, and the reply, it is

**ORDERED** that Sprint's motion to dismiss No. 06-1076 and No. 06-1082 as untimely be referred to the merits panel to which these cases are assigned. It is

**FURTHER ORDERED** that the FCC's motion to dismiss No. 06-1076 for lack of standing be referred to the merits panel to which these cases are assigned.

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The parties are directed to address in their briefs the issues presented in the motions to dismiss rather than incorporate those arguments by reference. It is

**FURTHER ORDERED** that the FCC's motion to dismiss Nos. 07-1332 and 07-1367 be granted. Petitioner Guskey's claimed injuries derive exclusively from injuries allegedly suffered by Preferred Communications Systems, the holder of the 800 MHz licenses, which withdrew its own challenge to the FCC's 800 MHz rebanding decisions. See generally Spectrum Five LLC v. FCC, 758 F.3d 254, 260-61 (D.C. Cir. 2014) (satellite operator lacked constitutional standing to challenge FCC decision). It is

**FURTHER ORDERED**, on the court's own motion, that the parties submit within 30 days of the date of this order, proposed formats for the briefing of these cases. The parties are strongly urged to submit a joint proposal and are reminded that the court looks with extreme disfavor on repetitious submissions and will, where appropriate, require a joint brief of aligned parties with total words not to exceed the standard allotment for a single brief. Whether the parties are aligned or have disparate interests, they must provide *detailed* justifications for any request to file separate briefs or to exceed in the aggregate the standard word allotment. Requests to exceed the standard word allotment must specify the word allotment necessary for each issue.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate in Nos. 07-1332 and 07-1367 until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

KUH  
AD  
BAM