

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-1065**September Term, 2015**

FCC-14-50
FCC-16-12
FCC-79FR48442
FCC-81FR8843

Filed On: March 17, 2016

Latina Broadcasters of Daytona Beach, LLC,

Petitioner

v.

Federal Communications Commission and
United States of America,

Respondents

CTIA - The Wireless Association and
Competitive Carriers Association,
Intervenors

Consolidated with 16-1069

BEFORE: Henderson, Kavanaugh, and Millett, Circuit Judges

ORDER

Upon consideration of the motion for a stay pending appeal, the oppositions thereto, and the reply, it is

ORDERED that the Federal Communications Commission (“FCC”) permit petitioner to participate provisionally in the upcoming broadcast spectrum incentive auction, subject to the outcome of judicial review. Petitioner has satisfied the stringent requirements for this injunctive relief. See *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 20 (2008); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2016). Based on a review of the FCC’s broadcast incentive auction website, it appears the agency’s auction data files and other projections are based on the assumption that petitioner’s station would be eligible to participate. See FCC, Auction 1001, <https://wireless.fcc.gov/auctions/incentive-auctions/auction-1001.html> (“Data” tab) (last

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visited Mar. 17, 2016). Accordingly, the court expects that this order will not cause the auction to be delayed. It is

FURTHER ORDERED, on the court's own motion, that this appeal be expedited. The Clerk is directed to enter a briefing schedule and to schedule this case for oral argument on the first appropriate date in September 2016.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Scott H. Atchue
Deputy Clerk