

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-1238

September Term, 2014

FILED ON: FEBRUARY 27, 2015

IN RE: PMCM TV, LLC,
PETITIONER

CBS BROADCASTING, INC., ET AL.,
INTERVENORS

On Petition for Writ of Mandamus

Before: GARLAND, *Chief Judge*, KAVANAUGH, *Circuit Judge*, and WILLIAMS, *Senior
Circuit Judge*

ORDER

This cause came to be heard on the petition for writ of mandamus, the briefs of the parties, and argument by counsel. The Court has accorded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. CIR. R. 36(d). Upon consideration of the foregoing, it is

ORDERED that the petition for writ of mandamus be denied.

Petitioner PMCM TV, LLC seeks a writ of mandamus under the All Writs Act, 28 U.S.C. § 1651, directing the FCC to rescind a letter suspending the operating authority of one of PMCM's stations unless and until PMCM certifies that it will operate the station using "virtual" channel 33, as the FCC had directed, rather than "virtual" channel 3, as PMCM wishes. The FCC order at issue is an interim measure intended to preserve the status quo ante in the relevant service areas while the Commission completes a pending notice-and-comment proceeding. Because PMCM has neither shown that the FCC has violated our mandate in *PMCM TV, LLC v. FCC*, 701 F.3d 380 (D.C. Cir. 2012), nor demonstrated that it has a "clear and indisputable" right to relief, *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 381 (2004) (quoting *Kerr v. U.S. Dist. Court*, 426 U.S. 394, 403 (1976)), under any other relevant source of law, *see, e.g.*, 47 U.S.C. §§ 316, 331(a), 1452(g); 47 C.F.R. § 73.682(d), we deny PMCM's request for a writ of mandamus. It is

FURTHER ORDERED that the stay entered by the Court on November 25, 2014 be dissolved.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk