

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-1461**September Term, 2016****FCC-80FR79136****Filed On: January 18, 2017**

Global Tel*Link,

Petitioner

v.

Federal Communications Commission and
United States of America,

Respondents

Centurylink Public Communications, Inc., et
al.,

Intervenors

Consolidated with 15-1498, 16-1012,
16-1029, 16-1038, 16-1046, 16-1057**BEFORE:** Pillard, Circuit Judge; Edwards and Silberman*, Senior Circuit
Judges**ORDER**Upon consideration of the court's order to show cause filed January 11, 2017,
and the responses thereto, it is**ORDERED** that the order to show cause be discharged. These consolidated
cases remain scheduled for oral argument on February 6, 2017.**Per Curiam****FOR THE COURT:**
Mark J. Langer, ClerkBY: /s/
Michael C. McGrail
Deputy Clerk* Senior Circuit Judge Silberman would hold the cases in abeyance. His dissenting
statement is attached.

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Silberman, Senior Circuit Judge, *dissenting*: I would hold these cases in abeyance for the time period suggested by petitioners Global Tel*Link Corp. and CenturyLink Public Communications, Inc., 60 days, to allow a reconstituted FCC to inform the Court as to whether it intends to revisit the order under review. We took similar action in 2009 to allow the Obama Administration to reconsider EPA actions promulgated by the Bush Administration. See, e.g., *California, et al. v. EPA*, No. 08-1178 (D.C. Cir. Feb. 25, 2009).

The present general counsel opposes delay in oral argument, on grounds that a change in FCC's position regarding the rule is hypothetical. But that seems silly to me since as of January 20 the Commission will have only three members, two of whom have broadly dissented from the adoption of the rule.*

I would not be surprised, accordingly, if before the argument but after January 20, 2017, the FCC changed its position and we had to cancel argument.

* The Chairman has announced he will resign as of January 20, 2017, and a fifth Commissioner's term has expired.