

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-1026

September Term, 2018

FCC-17-155
FCC-83FR2104

Filed On: April 10, 2019

National Lifeline Association, et al.,

Petitioners

v.

Federal Communications Commission and
United States of America,

Respondents

Oceti Sakowin Tribal Utility Authority,
Intervenor

Consolidated with 18-1080

BEFORE: Rogers and Griffith, Circuit Judges; Randolph, Senior Circuit Judge

ORDER

Upon consideration of the unopposed motion of the FCC to amend opinion, it is

ORDERED that the opinion issued February 1, 2019, be amended as follows:

Slip Op., p. 27, delete the last paragraph of the opinion and insert in lieu thereof: "Accordingly, because the Commission's adoption of the Tribal Facilities Requirement and Tribal Rural Limitation was arbitrary and capricious, the court grants the petitions and vacates the *2017 Lifeline Order* as challenged in the petitions, and remands the matter to the Commission for a new notice-and-comment rulemaking proceeding."

The Clerk is directed to issue the amended opinion and to amend the judgment issued February 1, 2019. The Clerk is further directed to issue the mandate forthwith.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk