RECOMMENDED FOR PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 26a0211p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

OHIO TELECOM ASSOCIATION (24-3133); TEXAS ASSOCIATION OF BUSINESS (24-3206); CTIA–THE WIRELESS ASSOCIATION, NCTA–THE INTERNET & TELEVISION ASSOCIATION, and USTELECOM–THE BROADBAND ASSOCIATION (24-3252),

Petitioners,

HAMILTON RELAY, INC. (24-3133),

Intervenor,

v.

FEDERAL COMMUNICATIONS COMMISSION; UNITED STATES OF AMERICA,

Respondents.

Nos. 24-3133/3206/3252

On Petitions for Rehearing En Banc
Federal Communications Commission, Agency No. 23-111.

Decided and Filed: July 31, 2026

Before: SUTTON, Chief Judge; MOORE, CLAY, GRIFFIN, KETHLEDGE, THAPAR, BUSH, LARSEN, NALBANDIAN, READLER, MURPHY, DAVIS, MATHIS, BLOOMEKATZ, RITZ, and HERMANDORFER, Circuit Judges.

COUNSEL

ON PETITIONS FOR REHEARING EN BANC: Roman Martinez, Matthew A. Brill, Matthew T. Murchison, Christina R. Gay, LATHAM & WATKINS LLP, Washington, D.C., for Petitioners. Jennifer Tatel, WILKINSON BARKER KNAUER LLP, Washington, D.C., for Intervenor. **ON RESPONSE:** Adam L. Sorensen, Sarah E. Citrin, Jacob M. Lewis, FEDERAL COMMUNICATIONS COMMISSION, Washington, D.C., Robert B. Nicholson, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents. **ON BRIEF**: Thomas A. Berry, CATO INSTITUTE, Washington, D.C., Zac Morgan, WASHINGTON

LEGAL FOUNDATION, Washington, D.C., Trent McCotter, THE CATHOLIC UNIVERSITY OF AMERICA, Washington, D.C., John Anderson Jung, TECHFREEDOM, Washington, D.C., James R. Wedeking, BOYDEN GRAY PLLC, Washington, D.C., Cody L. Reaves, TORRIDON LAW PLLC, Washington, D.C., Eric Wessan, OFFICE OF THE IOWA ATTORNEY GENERAL, Des Moines, Iowa, for Amici Curiae.

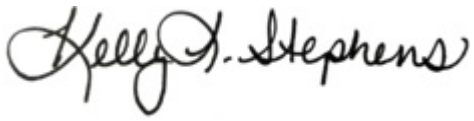
ORDER

A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Under Sixth Circuit Rule 40(d), "[a] decision to grant rehearing en banc vacates the previous opinion and judgment or order of the court, stays the mandate, and restores the case on the docket as a pending appeal."

Accordingly, it is ORDERED that the previous decision and judgment of this Court are vacated, the mandate is stayed, and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument as soon as possible.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk