

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-1380**September Term, 2016****FCC-DA16-547****Filed On:** April 4, 2017

In re: PMCM TV, LLC,

Petitioner

BEFORE: Kavanaugh, Millett, and Wilkins, Circuit Judges

ORDER

Upon consideration of the petition for writ of mandamus, the response thereto, and the reply, it is

ORDERED that the petition be denied. “[M]andamus is a ‘drastic’ remedy, ‘to be invoked only in extraordinary circumstances.’” In re: al-Nashiri, 791 F.3d 71, 78 (D.C. Cir. 2015) (quoting Fornaro v. James, 416 F.3d 63, 69 (D.C. Cir. 2005)). Mandamus “is not available unless ‘no adequate alternative remedy exists.’” In re: al-Nashiri, 791 F.3d at 78 (quoting Barnhart v. Devine, 791 F.2d 1515, 1524 (D.C. Cir. 1985)). Petitioner has filed applications for review with the Commission seeking the same relief it requests in its mandamus petition and has failed to show that the statutory process providing for administrative and judicial review set forth in 47 U.S.C. §§ 155(c)(4) and 402(a) is not an adequate remedy. To the extent petitioner asserts the Commission has unreasonably delayed in acting on the applications for review, it has not demonstrated “the agency’s delay is so egregious as to warrant mandamus.” Telecomm. Research & Action Ctr. v. FCC, 750 F.2d 70, 76 (D.C. Cir. 1984). Denial of this aspect of the mandamus petition is without prejudice to renewal in the event of additional significant delay.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam