

**No. 26-1176**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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LIVEVIDEO.AI CORP.,

*Petitioner,*

v.

FEDERAL COMMUNICATIONS COMMISSION  
and UNITED STATES OF AMERICA,

*Respondents.*

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On Petition for Review of an Order of  
the Federal Communications Commission

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**RESPONDENT FEDERAL COMMUNICATIONS COMMISSION'S  
OPPOSITION TO EMERGENCY MOTION FOR  
ADMINISTRATIVE STAY, STAY PENDING REVIEW, AND  
EXPEDITED CONSIDERATION**

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**INTRODUCTION**

Petitioner LiveVideo.AI Corp. has filed a petition for review or in the alternative a petition for a writ of mandamus challenging the Federal Communications Commission's July 2025 approval of a broadcast license transfer between Paramount Global and Skydance Media, LLC, an

approval which LiveVideo has asked the Commission to reconsider (and which, accordingly, this Court lacks jurisdiction to review).

LiveVideo now asks for an immediate administrative stay, a stay pending review, and expedited consideration “to preserve the status quo” while this Court reviews its challenge. Motion 1. The motion is baseless and should be denied.

LiveVideo grounds its stay request on the basis of Paramount’s April 2026 request for Commission approval of a plan to take on a greater proportion of foreign ownership in connection with a proposed merger between Paramount and Warner Bros. Discovery, Inc. But LiveVideo is not now, nor has it ever been, a party in interest, participant, or even commenter in that ongoing foreign ownership proceeding. For good reason. The foreign ownership proceeding is completely unrelated to last year’s license transfer proceeding, just as Paramount’s already-completed merger with Skydance is unrelated to its planned merger with Warner Bros. LiveVideo’s motion has conflated two entirely separate regulatory proceedings, involving two entirely separate statutory provisions, and their application to two entirely separate corporate mergers.

## BACKGROUND

### A. Statutory And Regulatory Background

“The Federal Communications Commission possesses broad statutory authority to regulate broadcast media ‘as public convenience, interest, or necessity requires.’” *FCC v. Prometheus Radio Project*, 592 U.S. 414, 418 (2021) (quoting 47 U.S.C. § 303). That authority includes the power to grant, deny, and approve the transfer of broadcast licenses to operate radio and television stations, subject to a number of statutory requirements. *See* 47 U.S.C. §§ 301, 303, 307–310.

Two statutory restrictions on FCC broadcast licenses are relevant here. First, “[n]o \* \* \* station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.” 47 U.S.C. § 310(d). Accordingly, “when a broadcast station owner wants to transfer ownership of a station to a third party, the FCC must approve the assignment of the station’s broadcast license to the new owner.” *Stolz v. FCC*, 882 F.3d 234, 236 (D.C. Cir. 2018) (citing 47 U.S.C. § 310(d)).

Second, “[n]o broadcast \* \* \* license shall be granted to or held by \* \* \* any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.”

47 U.S.C. § 310(b)(4). In other words, the Act “bars possession of [broadcast] licenses where aliens hold more than twenty-five percent interest in a U.S.-organized entity \* \* \*, but only if the Commission determines that refusing ownership would serve the public interest.” *NTCH, Inc. v. FCC*, 841 F.3d 497, 500 (D.C. Cir. 2016).

Under the Commission’s implementing rules, “[a] broadcast \* \* \* licensee \* \* \* shall file a petition for declaratory ruling to obtain Commission approval under section 310(b)(4) of the Act, and obtain such approval, before the aggregate foreign ownership of any controlling U.S. parent exceeds, directly and/or indirectly, 25 percent of the controlling U.S. parent’s equity interests and/or 25 percent of its voting interests.” 47 C.F.R. § 1.5000(a)(1).

## **B. Factual Background**

### **1. The Paramount-Skydance Transfer Application Proceeding**

On September 6, 2024, the FCC received applications proposing to transfer control of Paramount Global, an FCC license holder, from its then majority shareholder, National Amusements, Inc., to certain investors in Skydance Media, LLC, as part of a broader merger between Paramount and Skydance. *See* Public Notice, 39 FCC Rcd. 9766 (Media Bur. Sept. 6 2024). Because Paramount held, directly or indirectly, 28 local CBS TV station licenses (as well as one Class A and two low-power television station licenses), FCC consent to the transfer was required under 47 U.S.C. § 310(d). Because the transfer did not propose any aggregate foreign ownership exceeding 25 percent of equity or voting interests, the Commission's foreign ownership rules did not play any role in the proceeding. *See In re Applications for Consent to the Transfer of Control of Paramount Glob.*, MB Docket No. 24-275, ¶ 36, 2025 WL 3526328, at \*12 (July 24, 2025) (Skydance Order) (MA 23–24)<sup>1</sup> (noting

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<sup>1</sup> Because the Motion Appendix (MA) is not separately paginated, this response uses the docket entry page numbers appearing at the top of each page.

that the Skydance applications did not trigger the Commission’s foreign ownership rules).

LiveVideo.AI Corp.—which claimed to be “a former business partner of Paramount and a competitor to Skydance and Paramount,” Skydance Order ¶10 (MA 11)—opposed the Paramount-Skydance transfer application. Beginning in December 2024, LiveVideo made 45 filings in the FCC Paramount-Skydance proceeding, more than three times as many as any other single participant. *See* (MA 37–40). Those filings included various petitions to deny transfer,<sup>2</sup> for declaratory rulings;<sup>3</sup> motions for document production,<sup>4</sup> to “enlarge the issues,”<sup>5</sup> to “re-open the record,”<sup>6</sup> and to “summar[il]y disqualif[y]” Chairman Carr;<sup>7</sup> along with numerous letters, ex parte communications, congressional correspondence, and miscellaneous documents. *See* MA 37–40. LiveVideo’s filings were wide-ranging, but they nowhere raised a section 310(b)(4) foreign ownership objection to the Paramount-Skydance license

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<sup>2</sup> <https://www.fcc.gov/ecfs/document/1217026181994/1>.

<sup>3</sup> <https://www.fcc.gov/ecfs/document/10621377020536/1>.

<sup>4</sup> <https://www.fcc.gov/ecfs/document/1062341523808/1>.

<sup>5</sup> <https://www.fcc.gov/ecfs/document/10703851008382/1>.

<sup>6</sup> <https://www.fcc.gov/ecfs/document/107092746904095/1>.

<sup>7</sup> <https://www.fcc.gov/ecfs/document/10724053420127/1>.

transfer transaction. *See, e.g.*, Skydance Order ¶¶ 10, 17, 34 (MA 11–12, 15, 23) (describing LiveVideo’s allegations of competitive harm and insufficient character qualifications).

On July 24, 2025, the FCC granted consent to the Paramount-Skydance license transfer. *See* Skydance Order ¶ 60 (MA 33). After “thorough analysis of the potential harms and benefits of the Transaction,” as well as consideration of the record and comments, the Commission concluded that “grant of the Applications will result in public interest benefits and serve the public interest, convenience, and necessity.” Skydance Order ¶ 60 (MA 33). The Commission considered and rejected LiveVideo’s various assertions about competitive harm and insufficient character qualifications on several grounds. Because allegations involving “potential breaches of fiduciary duty” and “sexual harassment” “remain[ed] unadjudicated by an appropriate agency or court,” the Commission declined to weigh them against granting the transfers. Skydance Order ¶¶ 33–34 (MA 22–23).

The Commission also found that LiveVideo failed to “establish[] that it is a party in interest with standing to file a petition to deny the Transaction” because its submissions “fail from a lack of factual specificity and redressability.” Skydance Order ¶ 43 (MA 26–27).

Nonetheless, the Commission considered LiveVideo’s arguments as “informal objections” and rejected them. Skydance Order ¶ 43 (MA 26–27). LiveVideo did not “provide ‘specific allegations of fact sufficient to show \* \* \* that a grant of the [Applications] would be prima facie inconsistent with’ the public interest, convenience, and necessity.” Skydance Order n.182 (MA 27).

With the FCC’s approval of the license transfer in hand, Paramount and Skydance closed their merger on August 7, 2025. *See* Wyatt Grantham-Philips, *Paramount and Skydance close their \$8 billion merger, kicking off reign of new entertainment giant*, ASSOCIATED PRESS (Aug. 7, 2025).<sup>8</sup>

## **2. LiveVideo’s Post-Decision Filings and Litigation Sanctions**

Following the license transfer decision, LiveVideo continued its flurry of FCC filings, lodging separate petitions for reconsideration on

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<sup>8</sup> <https://apnews.com/article/paramount-skydance-media-cbs-trump-merger-a030c4f2c1903ed0e7f927782a64fcc0>.



July 24,<sup>9</sup> July 29,<sup>10</sup> August 1,<sup>11</sup> August 4,<sup>12</sup> and August 5;<sup>13</sup> applications for review on August 1<sup>14</sup> and August 5;<sup>15</sup> an “emergency petition for stay and petition for rulemaking” on August 4;<sup>16</sup> a “petition to release office of general counsel ex parte violation complaint determinations” on August 11,<sup>17</sup> and a request for “transmittal to GAO and Congressional committees” on November 21.<sup>18</sup>

LiveVideo’s FCC filings have continued through to the present, with its latest submission filed on June 30, 2026.<sup>19</sup> None of those filings challenged or otherwise addressed the Commission’s determination that LiveVideo lacked standing to participate in the Skydance proceeding or attempted to establish that LiveVideo met the requirements for standing

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<sup>9</sup> <https://www.fcc.gov/ecfs/document/1072515782868/1>.

<sup>10</sup> <https://www.fcc.gov/ecfs/document/107290792824875/1>.

<sup>11</sup> <https://www.fcc.gov/ecfs/document/1080170472231/1>.

<sup>12</sup> <https://www.fcc.gov/ecfs/document/1080466334657/1>.

<sup>13</sup> <https://www.fcc.gov/ecfs/document/10805969719649/1>.

<sup>14</sup> <https://www.fcc.gov/ecfs/document/108012199229782/1>.

<sup>15</sup> <https://www.fcc.gov/ecfs/document/10805276617887/1>.

<sup>16</sup> <https://www.fcc.gov/ecfs/document/10804304302665/1>.

<sup>17</sup> <https://www.fcc.gov/ecfs/document/1081189138679/1>.

<sup>18</sup> <https://www.fcc.gov/ecfs/document/112070597105/1>.

<sup>19</sup> <https://www.fcc.gov/ecfs/document/26109959473/1>.

to seek reconsideration of the transfer approval. *See* 47 U.S.C. § 405(a); 47 C.F.R. § 1.106(b)(1) (a petitioner for reconsideration must be a “party to the proceeding, or any other person whose interests are adversely affected” by the challenged action). Nor did any of those petitions raise a section 310(b)(4) foreign ownership objection to Skydance’s acquisition of Paramount. The Commission has not issued rulings on LiveVideo’s various post-decision filings.

While the FCC’s license transfer proceeding was ongoing, LiveVideo pursued litigation against Paramount stakeholders in the Southern District of New York, seeking billions of dollars in damages related to the Skydance transaction. *See Livevideo.AI Corp v. Redstone et al.*, No. 1:24-cv-06290 (S.D.N.Y.). The district court determined that the claims were “frivolous,” awarded sanctions “for the filing of dozens of baseless and procedurally improper motions,” enjoined LiveVideo from further filing, and repeatedly referred its counsel, Alfred Camillo Constants III, to the court’s grievance committee. *Id.*, Opinion and Order, ECF No. 211 at 1–3 (June 9, 2026). Undeterred, LiveVideo’s vexatious filings continued, and the Southern District ultimately awarded sanctions and attorneys’ fees to defendants and terminated the

case, *id.* at 9–10, orders which LiveVideo has appealed. See *LiveVideoAI.com v. Redstone*, No. 25-2964 (2d Cir.).

### **3. The Paramount Foreign Ownership Declaratory Ruling Proceeding**

On February 27, 2026, Paramount Skydance and Warner Bros. Discovery, Inc. entered a preliminary merger agreement under which Paramount Skydance would acquire Warner Bros. sometime in the third quarter of 2026, subject to sufficient financing, shareholder approval, and various regulatory hurdles. Alex Weprin, *It's a Deal: Paramount and Warner Bros. Discovery Unveil \$111 Billion Megamerger*, THE HOLLYWOOD REPORTER (February 27, 2026).<sup>20</sup>

Warner Bros. does not hold FCC television station broadcast licenses subject to Section 310(d)'s transfer restrictions, and its planned acquisition by Paramount has not been submitted for FCC approval. However, as part of its efforts to secure financing for the transaction, Paramount on April 27, 2026, filed a petition for declaratory ruling requesting that the Commission “find that it would serve the public interest to allow Paramount \* \* \* to accept indirect foreign equity and

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<sup>20</sup> <https://www.hollywoodreporter.com/business/business-news/paramount-warner-bros-discovery-mega-deal-official-1236517004/>.

voting interests in excess of the 25% benchmarks set forth in section 310(b)(4) of the [Communications] Act.” *Paramount Glob. Seeks Foreign Ownership Declaratory Ruling Pursuant to Section 310(b)(4) of the Commc’ns Act of 1934*, As Amended Pleading Cycle Established, No. DA 26-411, 2026 WL 1284539, at \*1 (Apr. 27, 2026). (It appears that Paramount’s request for foreign ownership approval is “not a condition of closing” the Warner Bros. merger. Motion 8; *id.* Exh G.)

“Pursuant to Commission practice,” the FCC referred Paramount’s petition “to relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of Paramount.” *Id.* at \*3 (citing *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket 16-155, Report and Order, 35 FCC Rcd. 10927 (2020)). On April 29, 2026, the Justice Department notified the FCC by letter that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Team Telecom) was assessing Paramount’s petition for national security purposes. *Letter from Jessica Campbell, Foreign Investment Review Section, National Security Division*

*U.S. Department of Justice* (April 29, 2026).<sup>21</sup> And on June 16, DOJ informed the Commission that it was beginning a 120-day initial review period for the transaction. *Letter from Jessica Campbell, Foreign Investment Review Section, National Security Division U.S. Department of Justice* (June 16, 2026).<sup>22</sup>

As of this filing, the declaratory ruling proceeding regarding foreign ownership in Paramount awaits Team Telecom review. To date, LiveVideo has not participated in or commented on the FCC's Paramount foreign ownership proceeding in any capacity. *See* FCC Docket 26-93.<sup>23</sup>

### ARGUMENT

A stay pending appeal is “extraordinary relief.” *Citizens for Responsibility and Ethics in Washington v. FEC*, 904 F.3d 1014, 1017 (D.C. Cir. 2018)(per curiam). It should not be granted unless the movant can show that (1) it is likely to succeed on the merits, (2) it will suffer irreparable harm absent a stay, (3) a stay will not harm other parties, and (4) a stay is in the public interest. *Marin Audubon Soc’y v. FAA*, 129

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<sup>21</sup> <https://www.fcc.gov/ecfs/document/10429060883440/1>.

<sup>22</sup> <https://www.fcc.gov/ecfs/document/26109834743/1>.

<sup>23</sup> [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2226-93%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-93%22))).

F.4th 869, 871 (D.C. Cir. 2025). Even then, a stay pending appeal “is not a matter of right, even if irreparable injury might otherwise result.” *Nken v. Holder*, 556 U.S. 418, 427 (2009).

LiveVideo’s motion for administrative stay and stay pending review fails at every step.

## **I. LIVEVIDEO’S STAY REQUEST MAKES NO SENSE**

LiveVideo appears to seek a stay of “the transaction approved in FCC 25-43” (Motion 11)—i.e., the transfer of Paramount’s broadcast licenses under 47 U.S.C. 310(d). *See also* Motion 1 (referring to “the Federal Communications Commission’s approval of a transaction”); MA 7–33 (attaching the Skydance license transfer approval order); Motion 15 (proposed order “prohibiting Respondents from authorizing, facilitating, or permitting consummation of the transaction approved in FCC 25-43”). But “the transaction approved in FCC 25-43” (Motion 11, 15) has already occurred. Paramount and Skydance closed their merger in August 2025. Wyatt Grantham-Philips, *Paramount and Skydance close their \$8 billion merger, kicking off reign of new entertainment giant*, ASSOCIATED PRESS (Aug. 7, 2025).<sup>24</sup> What is more, LiveVideo’s stated basis for seeking

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<sup>24</sup> <https://apnews.com/article/paramount-skydance-media-cbs-trump-merger-a030c4f2c1903ed0e7f927782a64fcc0>.

relief—proposed foreign ownership in Paramount—has nothing to do with the transfer of Paramount’s broadcast licenses or to the Skydance merger.

We also note that this Court lacks jurisdiction over LiveVideo’s underlying petition for review of the Skydance transfer proceeding. When a party’s petition for reconsideration remains pending before the FCC, a petition for review of the same matter in this Court is “incurably premature” and must be dismissed. *Bellsouth Corp. v. FCC*, 17 F.3d 1487, 1490 (D.C. Cir. 1994).<sup>25</sup> The Commission intends to file a motion to dismiss in due course.

It could be that LiveVideo means to seek a stay of Paramount’s intent to obtain foreign funding or of the FCC’s related declaratory ruling proceeding. *See* Motion 2 (“The Commission must foreclose any attempt by Paramount to close this transaction before its Section 310(b)(4) review

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<sup>25</sup> The petition suffers from other jurisdictional defects as well—LiveVideo invokes this Court’s jurisdiction under 47 U.S.C. 402(a) and the Hobbs Act, 28 U.S.C. § 2341. (Motion 4). Those provisions are inapplicable, however. An order allowing the transfer of a broadcast license is instead subject to appeal under section 402(b)(3) and (6), and excluded from review under section 402(a). *See N. Am. Cath. Educ. Programming Found., Inc. v. FCC*, 437 F.3d 1206, 1208 (D.C. Cir. 2006).

is complete.”); MA 67–104 (attaching Paramount’s petition for declaratory ruling). But LiveVideo is not in any way a participant in the Commission’s declaratory ruling proceeding regarding foreign ownership in Paramount, which, again, bears no relationship to the earlier license transfer proceeding in which LiveVideo commented and which it challenges in this case. In any event, LiveVideo’s request for “interim relief preserving the status quo” (Motion 3) would make no sense as to the Paramount foreign ownership proceeding. By Commission rule, FCC licensees must obtain Commission approval “before” closing a proposed transaction exceeding foreign ownership thresholds. *See* 47 C.F.R. § 1.5000(a)(1). A stay of those proceedings would only frustrate LiveVideo’s stated goal of ensuring that “statutory foreign-ownership review is complete[d].” Motion 1.

LiveVideo could also (conceivably) be seeking a stay of Paramount’s acquisition of Warner Bros. *See* Motion 8 (“Paramount has publicly characterized its FCC foreign-ownership filing as not a condition of closing.”) (quoting congressional correspondence that links to a Reuters article, which refers to “closing Paramount’s acquisition of Warner Bros”). But LiveVideo does not challenge that acquisition in its petition for review or mandamus that initiated this case. And such relief would



not only go far beyond the scope of this proceeding, but is far afield from any matter before the FCC, which is not overseeing Paramount's planned acquisition of Warner Bros. *See supra* p. 11.

## II. LIVEVIDEO CANNOT ESTABLISH IRREPARABLE HARM

Whatever its target, LiveVideo's stay request is baseless. "[A] showing of irreparable harm is a necessary prerequisite for a stay." *KalshiEX LLC v. CFTC*, 119 F.4th 58, 64 (D.C. Cir. 2024). "[S]peculative and hypothetical" allegations of harm are insufficient, and a movant's failure "to provide any substantiation is a clear abuse of this court's time and resources." *Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 675 (D.C. Cir. 1985)(per curiam). Just so here.

LiveVideo nowhere explains how proposed foreign investment in Paramount or Paramount's planned acquisition of Warner Bros. would harm LiveVideo. LiveVideo nowhere explains how those events even relate to the subject of its underlying petition for review—a license transfer proceeding that was prelude to a corporate merger that closed last year. Indeed, LiveVideo nowhere explains its stake in that underlying license transfer proceeding or attempts to challenge the Commission's determination that it had none.

The only thing LiveVideo says about irreparable harm is that “[i]f closing occurs before [dispositive motions are due in this case], the Court’s ordinary review schedule will be overtaken by a consummated ownership structure that the motion record indicates is intertwined with unresolved foreign-ownership approval and executive-branch review.” Motion 10. Whether by “closing” LiveVideo refers to Skydance’s (long since completed) acquisition of Paramount broadcast licenses, Paramount’s acquisition of foreign investment, or Paramount’s acquisition of Warner Bros. makes no difference. LiveVideo has made no attempt in its motion to explain how its interests will be injured by “consummat[ion]” of Paramount’s “ownership structure.” And LiveVideo’s assertions are so vague, “speculative and hypothetical that it would be difficult to conclude that irreparable injury would occur even if the allegations were supported by evidence.” *Wisconsin Gas*, 758 F.2d at 675.

### **III. THE EQUITIES AND PUBLIC INTEREST DO NOT FAVOR A STAY**

Finally, “to obtain preliminary relief,” a movant must also show “that ‘the balance of equities tips in [their] favor’ and that ‘an injunction is in the public interest.’” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S.

7, 20–21 (2008). “These factors merge when the Government is the opposing party.” *Nken*, 556 U.S. at 435.

To the extent that LiveVideo is asking this Court to unwind Skydance’s acquisition of Paramount broadcast licenses in their August 2025 merger, or to enjoin the Commission from granting approval for Paramount to obtain foreign investment, the public interest weighs against granting such extraordinary relief.

“[T]he cost of enjoining a merger before consummation is staggering, and the cost of enjoining an already completed transaction even greater.” *California v. Am. Stores Co.*, 492 U.S. 1301, 1307 (1989) (citation omitted). All the more so when the transaction was completed nearly a year ago. Attempting to unwind the Paramount-Skydance merger would significantly injure the reliance interests of those companies and their customers, as well as impose serious economic harm on the investing public. LiveVideo, meanwhile, fails to articulate any theory of how it would be harmed by the absence of a stay.

As for foreign ownership in Paramount, the Commission is entitled to the presumption that it will follow its own regulations and complete its statutory review before approving the transaction. “A presumption of regularity supports the official acts of public officers and, in the absence

of clear evidence to the contrary, courts presume that they have properly discharged their official duties.” *People for the Ethical Treatment of Animals v. United States Dep't of Agric. & Animal & Plant Health Inspection Serv.*, 918 F.3d 151, 157 (D.C. Cir. 2019) (citation omitted). Accordingly, there is no reason to think LiveVideo would be harmed in the ordinary course of the Paramount foreign ownership proceeding, even if it had demonstrated a stake in its outcome.

## CONCLUSION

The motion for administrative stay, stay pending review, and expedited review should be denied.

Dated: July 9, 2026

Respectfully submitted,

/s/ Adam Sorensen

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*Federal Communications Commission*