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RAYMOND J. LUCIA COMPANIES,
INC. and Raymond J. Lucia,
Petitioners

v.

SECURITIES AND EXCHANGE
COMMISSION, Respondent

No. 15-1345

September Term, 2016

United States Court of Appeals,
District of Columbia Circuit.

Filed On: June 26, 2017

SEC-3-15006

BEFORE: GARLAND, Chief Judge,*
and HENDERSON, ROGERS, TATEL,
BROWN, GRIFFITH, KAVANAUGH,
SRINIVASAN, MILLETT, PILLARD,
and WILKINS, Circuit Judges

JUDGMENT

PER CURIAM

This cause came on to be heard on the petition for review of an order of the Securities & Exchange Commission and was argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the petition for review is denied by an equally divided court. See D.C. Cir. Rule 35(d).



* Chief Judge Garland did not participate in this

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SNR WIRELESS LICENSECO,
LLC, Appellant

v.

FEDERAL COMMUNICATIONS
COMMISSION, Appellee

No. 15-1330

Consolidated with 15-1331,
15-1332, 15-1333

United States Court of Appeals,
District of Columbia Circuit.

Argued September 26, 2016

Decided August 29, 2017

Background: The Federal Communications Commission (FCC), 2015 WL 5475400, denied designated-entity bidding credits to successful bidders for wireless spectrum licenses and fined them hundreds of millions of dollars for failing to comply with auction terms that required all bidders to purchase wireless spectrum licenses they won. Bidders petitioned for judicial review.

Holdings: The Court of Appeals, Pillard, Circuit Judge, held that:

- (1) successful bidders were not entitled to designated-entity bidding credits;
- (2) unexplained approvals of designated-entity bidding credits to other small businesses did not entitle petitioning successful bidders to relief;
- (3) FCC was not required to follow its staff action when determining whether successful bidders were entitled to designated-entity bidding credits; and
- (4) appropriate remedy for denying designated-entity bidding credits to successful bidders without being given clear notice by FCC that such opportunity would be denied was to give them opportunity to renegotiate their agree-

matter.