

reconsideration of that order on January 4, 2017. The Commission denied the petition for reconsideration in the *Reconsideration Order*, which was released on January 3, 2019.

Pursuant to the Hobbs Act, “[a] petition for judicial review to challenge a final order of the Commission must be filed ‘within 60 days after its entry.’” *Cellular Telecommc’ns & Internet Ass’n v. FCC*, 330 F.3d 502, 504 (D.C. Cir. 2003) (*CTIA*) (quoting 28 U.S.C. § 2344). This “statutory time limit is jurisdictional.” *Ibid.*

As Sandwich Isles acknowledges, the period for seeking judicial review of the FCC’s orders commenced with the release of the *Reconsideration Order* on January 3, 2019. *See* Petition at 2 (“the limitations period for [Sandwich Isles] to file a petition for review” of the orders “was triggered on January 3, 2019”).¹ The 60-day filing window closed on March 4, 2019. Sandwich Isles filed its petition for review one day later, on March 5, 2019. Because Sandwich Isles failed to file its petition within the statutory filing period, this Court is “constrained to dismiss the untimely petition for review for want of jurisdiction.” *CTIA*, 330 F.3d at 504.

¹ *See also* 47 C.F.R. § 1.4(b)(2) (the period for seeking review of a “non-rulemaking” document “released by the Commission” begins to run on the document’s “release date”).

Respectfully submitted,

Thomas M. Johnson, Jr.
General Counsel

David M. Gossett
Deputy General Counsel

Jacob M. Lewis
Associate General Counsel

/s/James M. Carr

James M. Carr
Counsel

Federal Communications Commission
Washington, DC 20554
(202) 418-1740

March 26, 2019

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s/ James M. Carr

James M. Carr
Counsel

Federal Communications Commission
Washington, D.C. 20554
(202) 418-1740

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I, James M. Carr, hereby certify that on March 26, 2019, I filed the foregoing Motion to Dismiss and to Defer Filing of the Record with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the electronic CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

s/ James M. Carr

James M. Carr
Counsel

Federal Communications Commission
Washington, D.C. 20554
(202) 418-1740