

No. \_\_\_\_\_

**In the Supreme Court of the United States**

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BEST PAYPHONES, INC.,

PETITIONER

*v.*

VERIZON NEW YORK, INC., and

PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK,

RESPONDENTS.

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***APPLICATION FOR EXTENSION  
OF TIME TO FILE PETITION FOR  
WRIT OF CERTIORARI***

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TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SECOND CIRCUIT:

Pursuant to this Court’s Rules 13.5 and 30.2, petitioner Best Payphones, Inc. (“Best” or “Petitioner”) prays for a 60-day extension, or until April 25, 2022, to file its petition for a writ of certiorari in this Court.

1. Timeliness, Jurisdiction, and Opinion Below.

The judgment for which review is sought is *In the Matter of Best Payphones, Inc., v. Public Service Commission of the State of New York*, No. 529846, March 25,

2021 (attached as Exhibit 1). On November 23, 2021, the Court of Appeals for the State of New York entered its denial of Best’s motion for leave to appeal (attached as Exhibit 2).

A petition for writ of certiorari would be due, pursuant to this Court’s Rules 13.1, 13.3, and 30.1, on or before February 22, 2022. This application is being filed more than ten days before that date. *See* Rule 30.2. The jurisdiction of this Court is to be invoked under 28 U.S.C. § 1257(a).

2. Reasons for Granting the Extension.

Petitioner’s counsel requires more time to file its petition for writ of certiorari because he was just recently retained.

In the immediate aftermath of the New York Court of Appeals’ denial of Best’s leave to appeal, Petitioner had intended on proceeding with a suit in federal court, arguing that the state court decision siding with the New York Public Service Commission violated various FCC regulations. However, Petitioner’s then-counsel was notified by opposing counsel on January 12, 2022 that such a lawsuit would run afoul of the *Rooker-Feldman* doctrine. On January 24, 2022, Petitioner reached out to undersigned counsel to file a petition for certiorari.

In addition to having to familiarize himself with the case’s complex history – which spans almost 25 years and includes multiple rounds of litigation before the FCC, the New York Public Service Commission, and state and federal courts – undersigned counsel is a solo practitioner with multiple appellate briefs due between now and February 22, 2022.

A 60-day extension would allow undersigned counsel sufficient time to fully examine the record, research and analyze the issues to be presented, and prepare the petition for filing.

WHEREFORE, the Applicant-Petitioner requests that an Order be entered extending by 60 days the time within which it may petition this Court for certiorari to and including April 25, 2022.

Respectfully submitted,

/S/ Joseph Pace

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JANUARY 31, 2022

