No. 26A_____

IN THE
Supreme Court of the United States

T-MOBILE USA, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION AND
UNITED STATES OF AMERICA,

Respondents.

SPRINT CORPORATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION AND
UNITED STATES OF AMERICA,

Respondents.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The D.C. Circuit**

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT

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Rule 29.6 Statement

Petitioner Sprint Corporation (now known as Sprint LLC) is a wholly owned subsidiary of petitioner T-Mobile USA, Inc., a Delaware corporation, which in turn is a wholly owned subsidiary of the publicly traded company T-Mobile US, Inc., a Delaware corporation with its principal place of business in Washington.[1]

T-Mobile US, Inc. is a publicly traded company listed on the NASDAQ Global Select Market of NASDAQ Stock Market LLC (NASDAQ: TMUS). Deutsche Telekom Holding B.V., a limited liability company (*besloten vennootschap met beperkte aansprakelijkheidraies*) organized and existing under the laws of the Netherlands ("DT B.V."), owns more than 10% of the shares of T-Mobile US, Inc. DT B.V. is a direct, wholly owned subsidiary of T-Mobile Global Holding GmbH, a *Gesellschaft mit beschränkter Haftung* organized and existing under the laws of the Federal Republic of Germany ("Holding"). Holding is a direct, wholly owned subsidiary of T-Mobile Global Zwischenholding GmbH, a *Gesellschaft mit beschränkter Haftung* organized and existing under the laws of Germany ("Global"). Global is a direct, wholly owned subsidiary of Deutsche Telekom AG, an *Aktiengesellschaft* organized and existing under the laws of the Federal Republic of Germany and traded on the Frankfurt Stock Exchange (Xetra: DTE.DE or DTEGn.DE). Deutsche Telekom AG American Depository Receipts also trade over-the-counter in the United States (DTEGY).

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1 T-Mobile's corporate parent merged with Sprint Corp. in 2020, but the FCC initiated its investigation prior to the merger and imposed separate forfeiture orders on T-Mobile and Sprint in 2024. The orders were thus litigated in consolidated proceedings under T-Mobile's and Sprint's names.

TO THE HONORABLE JOHN G. ROBERTS, CHIEF JUSTICE OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE D.C. CIRCUIT:

Pursuant to this Court's Rule 13.5, petitioners T-Mobile USA, Inc. and Sprint Corp. (the "Companies") request a 30-day extension of time, to and including May 23, 2026, within which to file a petition for a writ of certiorari to review the judgments of the U.S. Court of Appeals for the D.C. Circuit. The court of appeals issued its opinion on August 15, 2025, App. 1a, and denied rehearing en banc on January 23, 2026, App. 37a. Unless extended, the time within which to file a petition for a writ of certiorari will expire on April 23, 2026. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). This is petitioners' first application for an extension of time, and petitioners submit this application more than 10 days before the current due date for the petition. See Sup. Ct. R. 13.5.

BACKGROUND

This case presents the same important constitutional questions that this Court granted certiorari to decide in *FCC* v. *AT&T Inc.*, No. 25-406 (U.S. Jan. 9, 2026), and *Verizon Communications Inc.* v. *FCC*, No. 25-567 (U.S. Jan. 9, 2026). It also presents other important questions about the interpretation of the Communications Act that warrant review as well.

This case arises out of FCC forfeiture orders similar to those in *AT&T* and *Verizon*. The FCC imposed more than $92 million in total civil penalties on T-Mobile and Sprint for allegedly failing to adequately protect "customer proprietary network information," or "CPNI," in the provision of their location-based service programs for mobile devices. App. 4a, 10a–11a; 47 U.S.C. § 222(a); 47 C.F.R. § 64.2010(a). As in *AT&T* and *Verizon*, the FCC's forfeiture orders imposed these penalties over the

Companies' objections that the forfeiture orders violated their constitutional right to a jury trial in federal court under the Seventh Amendment and Article III, see *SEC* v. *Jarkesy*, 603 U.S. 109 (2024).

The FCC also imposed the civil penalties over the Companies' objections that doing so would exceed the FCC's statutory authority. Title II of the Communications Act defines CPNI to include only information that "relates to the quantity, technical configuration, type, destination, *location*, and amount *of use of a telecommunications service*" and that is "made available to the carrier by the customer *solely by virtue of the carrier-customer relationship*." 47 U.S.C. § 222(h)(1)(A) (emphases added). The Companies argued that the location information at issue did not fit that definition. T-Mobile's and Sprint's location-based service programs enabled customers to share network-based device-location information with third-party providers for services such as roadside assistance or medical alerts. This device-location information was generated from the passive registration of mobile devices with nearby cell towers and thus was *not* limited to the location of use of Title II telecommunications services, *i.e.*, voice calls. Indeed, until the agency proceedings here, the FCC had never interpreted CPNI to include location information unrelated to Title II voice calls. The Companies also objected that the forfeitures greatly exceeded the statutory maximum for continuing violations, which caps penalties at $1 million ($2,048,915 under the then-current inflation adjustment) for "any single act or failure to act." 47 U.S.C. § 503(b)(2)(B); see *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 19-1325 (EB 2019).

Like AT&T and Verizon, T-Mobile and Sprint invoked the only statutory mechanism that guaranteed judicial review of their arguments: They paid the penalties

under protest and petitioned for review under 47 U.S.C. § 402(a) and the Hobbs Act, 28 U.S.C. § 2342(1), in the D.C. Circuit.

The D.C. Circuit consolidated the Companies' petitions for review and denied them. It rejected the Seventh Amendment and Article III argument, holding that the Companies "waived" their jury-trial rights by petitioning for review rather than refusing to pay and awaiting a potential collection action under 47 U.S.C. § 504. App. 15a–16a. The court also held that all device-location information constitutes CPNI. It reasoned that "a customer 'uses' a telecommunications service whenever his or her device connects to the carrier's network" because those passive pings "ma[ke] [it] possible" to "send and receive calls." App. 26a. It held that the Companies obtained the information "solely by virtue of" their providing telecommunications (*i.e.*, voice) services because they provide "both telecommunications and information service" in a "single contract." App. 24a, 29a. And it held that the FCC's approach to the statutory maximum "was reasonable." App. 34a.

Petitioners filed a petition for rehearing en banc on September 22, 2025. This Court granted certiorari in *AT&T* and *Verizon* on January 9, 2026. Shortly after that decision, the D.C. Circuit denied rehearing en banc. App. 37a.

REASONS FOR GRANTING THE APPLICATION

The Companies intend to file a petition for certiorari raising the same important constitutional questions this Court is poised to decide in *AT&T* and *Verizon*, as well as other important issues that warrant this Court's review. Like the Second Circuit's decision in *Verizon*, the D.C. Circuit's decision rejecting the Companies' Seventh Amendment and Article III arguments splits with the Fifth Circuit's decision in *AT&T* and conflicts with this Court's precedents. This Court granted certiorari in

AT&T and *Verizon* to resolve these constitutional questions and is poised to decide them soon. See Nos. 25-406, 25-567.

The D.C. Circuit's decision also warrants this Court's review because it vastly expands the FCC's regulatory authority by misinterpreting important provisions of the Communications Act in ways that conflict with this Court's precedents. Passive device-location information that is unrelated to Title II voice calls does not satisfy either statutory requirement for CPNI—it does not relate to the "location … *of use* of a *telecommunications service*," and it is not obtained "*solely* by virtue of" the relationship between a Title II voice carrier and the customer. 47 U.S.C. § 222(h)(1)(A) (emphasis added). The D.C. Circuit's (and Second Circuit's) contrary holdings implicate an important question about carriers' CPNI obligations under § 222 and conflict with the plain meaning of the statute and this Court's precedents. The D.C. Circuit also endorsed a civil-penalty amount far higher than the Communications Act's statutory maximum, improperly deferring to the FCC in direct conflict with *Loper Bright Enterprises* v. *Raimondo*, 603 U.S. 369 (2024).

Additional time is necessary for counsel to prepare the petition. Counsel for the Companies have had, and will continue to have, significant professional responsibilities in other time-sensitive matters before and after the current April 23 deadline, including a reply brief in *Cumulus Media New Holdings Inc.* v. *The Nielsen Company (US), LLC*, No. 26-88 (2d Cir.); a principal brief in *Kashef* v. *BNP Paribas S.A.*, No. 26-341 (2d Cir.); oral argument in *Steidinger* v. *Blackstone Medical Services*, No. 25-2398 (7th Cir.); a principal brief in *City of East St. Louis* v. *Monsanto Co.*, No. 26-1601 (7th Cir.); dispositive-motion filings in *N.C. State Univ.* v. *Monsanto Co.*, No. 25CV034830-910 (N.C. Super. Ct.), and *Glad* v. *Monsanto Co.*, No. 26CV001934910

(N.C. Super. Ct.); and many other time-sensitive commitments other than public filings. In addition, counsel are awaiting orders and hearing dates that may further affect availability.

Accordingly, petitioners respectfully request a 30-day extension of time to file a petition for a writ of certiorari, to and including May 23, 2026.

Respectfully submitted.

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