In the Supreme Court of the United States

No. 26A____

T-MOBILE SOUTH, LLC, APPLICANT

v.

CITY OF ROSWELL, GEORGIA.

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

To the Honorable Clarence Thomas
Associate Justice of the United States
and Circuit Justice for the Eleventh Circuit

Pursuant to Rules 13.5 and 30.2 of this Court, counsel for applicant T-Mobile South, LLC ("T-Mobile") respectfully request a 60-day extension of time, to and including January 25, 2027, within which to file any petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit in this case. The court of appeals entered its judgment on May 21, 2026. App.1a. The court of appeals denied the petition for rehearing en banc on August 28, 2026. App.22a. Unless extended, the time for filing any petition for a writ of certiorari will expire on November 27, 2026.[1] The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

[1] Ninety days from August 28, 2026 is November 26, 2026, a federal legal holiday, making the petition due the following day by operation of this Court's Rule 30.1.

1. This case presents an exceptionally important question of statutory interpretation involving the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 ("the Act").

Congress adopted the Act "to promote competition and higher quality in American telecommunications services and to encourage the rapid deployment of new telecommunications technologies." *City of Rancho Palos Verdes, Cal. v. Abrams*, 544 U.S. 113, 115 (2005) (internal citation omitted). Although the Act "generally preserves the traditional authority of state and local governments to regulate the location, construction, and modification of wireless communications facilities like cell phone towers," it also "imposes specific limitations on that authority." *T-Mobile S., LLC v. City of Roswell*, 574 U.S. 293, 300 (2015). As relevant here, "[t]he regulation of the placement, construction, and modification of personal wireless service facilities" by state and local governments "shall not prohibit or have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(i). Section 332(c)(7)(B)(v), in turn, creates an enforceable right for any person "adversely affected" by "any final action" by a locality to bring an expedited federal claim on the grounds that the "final action . . . is inconsistent with" any of the limitations set forth in section 332(c)(7)(B). 47 U.S.C. § 332(c)(7)(B)(v).

This case arises from the denial of T-Mobile's application to install a personal wireless service facility concealed as a faux tree on an undeveloped 2.8-acre parcel in the city of Roswell, Georgia ("the City"). The case has already been before this Court once. After the Eleventh Circuit upheld the City's initial permit denial, this Court granted certiorari and reversed. *T-Mobile*, 574 U.S. at 299. On remand, the district court concluded that the denial of T-Mobile's permit application had the effect of prohibiting T-Mobile from providing wireless service in violation of section 332(c)(7)(B)(i) and issued an injunction requiring the City to grant T-Mobile's permit. The Eleventh Circuit again reversed. After *sua sponte* ordering the parties to address the issue, the panel concluded that the denial of an individual

permit can never qualify as "the regulation of" the placement of wireless service facilities under section 332(c)(7)(B)(i). In so holding, the Eleventh Circuit departed from thirty years of decisions from other circuits consistently interpreting section 332(c)(7)(B) to allow challenges to individual permitting decisions without challenging the local government's underlying zoning rules. The Eleventh Circuit's outlier decision is contrary to the statute's plain language and will radically undermine the Act's limits on local government authority over wireless infrastructure deployment.

2. In February 2010, T-Mobile "applied to build a new, 108-foot-tall cell phone tower on 2.8 acres of vacant residential property in the city of Roswell, Georgia." *T-Mobile*, 574 U.S. at 296. The City denied the permit application, relying on a zoning ordinance requiring consideration of nine enumerated factors. *Id.* at 298. In response, T-Mobile filed this suit. T-Mobile alleged that the City's decision violated the Act because, among other things, it would leave T-Mobile unable to provide reliable, competitive personal wireless services in the affected area. T-Mobile sought an injunction requiring the City to issue the requested permit.

3. The district court granted summary judgment to T-Mobile because the City failed to issue a decision "in writing." 47 U.S.C. § 332(c)(7)(B)(iii). The Eleventh Circuit reversed. *See T-Mobile S., LLC v. City of Roswell,* 731 F.3d 1213 (11th Cir. 2013). This Court subsequently granted certiorari and reversed the Eleventh Circuit. *T-Mobile*, 574 U.S. at 307.

4. On remand, the district court concluded that the City's failure to provide a written denial was harmless but further held that the City had separately violated the Act's prohibition on actions that "prohibit or have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(i)(II). Rather than issue an injunction, however, the district court remanded the matter to the City for reconsideration of the permit application based on an updated evidentiary record. App.3a-4a.

Following a public hearing, the City again denied T-Mobile's application. The parties then engaged in summary judgment practice and an exchange of expert materials. The district court subsequently held a bench trial between July 30, 2024, and August 2, 2024. In October 2024, the court issued a decision in favor of T-Mobile. Applying standards widely adopted in other circuits, the court found that Roswell's denial of T-Mobile's permit application had the effect of prohibiting personal wireless service in violation of section 332(c)(7)(B)(i)(II), because it would prohibit T-Mobile from remedying a "significant gap" in service and there was no other technically feasible alternative to the proposed tower. App.4a. The court ordered the City to promptly "issue all necessary permits and approvals and authorize construction of the tower." *Id.*

5. After the City appealed, the Eleventh Circuit *sua sponte* ordered the parties to address whether "the regulation of the placement, construction, and modification of personal wireless service facilities" under section 332(c)(7)(B)(i) includes the denial of a single permit application. App.4a. T-Mobile contended that it does, noting that every circuit to consider the question had agreed that individual denials could be challenged under the Act to the extent they have the effect of prohibiting the provision of personal wireless service.

In May 2026, the Eleventh Circuit issued an opinion reversing the district court. In the panel's view, a single permit decision cannot qualify as "the regulation of" cell tower placement under the Act because "'the regulation of' siting entails control by rule or restriction." App.7a. The panel accordingly held that section 332(c)(7)(B)(i) does not allow a challenge to a single permit denial, and instead "limits only the ability of municipalities to control facility siting by rules." *Id.* The panel acknowledged that in reaching this conclusion it was departing from the decisions of "[o]ther circuits," which had agreed that denials of single permits are reviewable under the Act. App.5a.

6. T-Mobile timely filed a petition for rehearing en banc. The Eleventh Circuit denied the petition on August 28, 2026. App.22a.

7. Counsel for applicants respectfully request a 60-day extension of time, to and including January 25, 2027, within which to file a petition for a writ of certiorari.

As explained above, this case presents complex issues concerning the interpretation of the Act and involves a complicated litigation record spanning over 15 years. The undersigned counsel of record was only recently retained by T-Mobile to represent it in this matter. An extension would allow counsel time to analyze the issues presented, review the extensive case history, and prepare any petition for filing.

Undersigned counsel also has several proximate briefing and argument deadlines between now and the current filing date. Undersigned counsel is counsel of record in *Grand v. City of University Heights*, No. 25-965, which will be argued in this Court on December 9, 2026. Undersigned counsel will also be presenting argument in *United States ex rel. Behnke v. CVS Caremark Corp.*, No. 25-2820 (3d Cir.), on December 14, 2026. Undersigned counsel is engaged in other non-public matters that will occupy a significant portion of time in the coming weeks. Additionally, other trial and appellate co-counsel, who have their own prior commitments, will also require time to review the draft petition.

Additional time is therefore needed to prepare and print any petition in this case.

Respectfully submitted,

/s/ Lisa S. Blatt

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November 12, 2026

CORPORATE DISCLOSURE STATEMENT

Applicant T-Mobile South, LLC is a wholly owned subsidiary of T-Mobile USA, Inc., a Delaware corporation, which is a wholly-owned subsidiary of T-Mobile US, Inc., a Delaware corporation. T-Mobile US, Inc. (NASDAQ: TMUS) is a publicly-traded company listed on the NASDAQ Global Select Market of NASDAQ Stock Market LLC ("NASDAQ"). 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 in turn a direct wholly-owned subsidiary of T-Mobile Global Zwischenholding GmbH, a Gesellschaft mit beschränkter Haftung organized and existing under the laws of the Federal Republic 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 ("Deutsche Telekom"). The principal trading market for Deutsche Telekom's ordinary shares is the trading platform "Xetra" of Deutsche Börse AG. Deutsche Telekom's ordinary shares also trade on the Frankfurt, Berlin, Düsseldorf, Hamburg, Hannover, München and Stuttgart stock exchanges in Germany. Deutsche Telekom's American Depositary Shares ("ADSs"), each representing one ordinary share, trade on the OTC market's highest tier, OTCQX International Premier (ticker symbol: "DTEGY").

Additionally, SoftBank Group Corp., through its wholly-owned subsidiary Signal Bright LLC, beneficially owns approximately 0.9% of shares of T-Mobile US, Inc. common stock outstanding.

Masayoshi Son owns more than 10% of SoftBank Group Corp.

November 12, 2026

/s/ Lisa S. Blatt

LISA S. BLATT

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CERTIFICATE OF SERVICE

I, Lisa S. Blatt, counsel for applicant T-Mobile South, LLC and a member of the Bar of this Court, certify that, on November 12, 2026, one copy of the Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari in the above-captioned case was sent, by third-party commercial carrier for delivery overnight, to the following counsel:

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I further certify that all parties required to be served have been served.

/s/ Lisa S. Blatt

LISA S. BLATT