

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30732

GREATER NEW ORLEANS BROADCASTING
ASSOCIATION; PHASE II BROADCASTING,
INC.; RADIO VANDERBILT, INC.; KEYMARKET
OF NEW ORLEANS, INC.; PROFESSIONAL
BROADCASTING; WGNO INC.; BURNHAM
BROADCASTING COMPANY,

Plaintiffs-Appellants,

versus

UNITED STATES OF AMERICA and FEDERAL
COMMUNICATIONS COMMISSION,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana

August 18, 1999

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before POLITZ, JONES, and PARKER, Circuit Judges.

PER CURIAM:

In light of the Supreme Court's decision in this case,¹ neither this court's previous decision nor that of the district court can stand. The case is remanded to the district court with instructions to declare the challenged statutory provision unconstitutional.

REMANDED with instructions.

¹Greater New Orleans Broad. Ass'n, Inc. v. United States, 119 S. Ct. 1923 (1999).