

GINSBURG, J., concurring

**SUPREME COURT OF THE UNITED STATES**

FEDERAL COMMUNICATIONS COMMISSION, ET AL.,  
PETITIONERS *v.* CBS CORPORATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 11–1240. Decided June 29, 2012

JUSTICE GINSBURG, concurring in the denial of certiorari.

The Court’s remand in *FCC v. Fox Television Stations, Inc.*, 567 U. S. \_\_\_\_ (2012), affords the Commission an opportunity to reconsider its indecency policy in light of technological advances and the Commission’s uncertain course since this Court’s ruling in *FCC v. Pacifica Foundation*, 438 U. S. 726 (1978).