

STEVENS, J., concurring

SUPREME COURT OF THE UNITED STATES

Nos. 04–277 and 04–281

NATIONAL CABLE & TELECOMMUNICATIONS
ASSOCIATION, ET AL., PETITIONERS
04–277 *v.*
BRAND X INTERNET SERVICES ET AL.

FEDERAL COMMUNICATIONS COMMISSION AND
UNITED STATES, PETITIONERS
04–281 *v.*
BRAND X INTERNET SERVICES ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 27, 2005]

JUSTICE STEVENS, concurring.

While I join the Court’s opinion in full, I add this caveat concerning Part III–B, which correctly explains why a court of appeals’ interpretation of an ambiguous provision in a regulatory statute does not foreclose a contrary reading by the agency. That explanation would not necessarily be applicable to a decision by this Court that would presumably remove any pre-existing ambiguity.