language "unjust or unreasonable" "practice," the FCC's interpretation is unreasonable because it regulates both interstate and intrastate calls. The unjust-and-unreasonable requirement of §201(b) applies only to "practices . . . in connection with such communication service," and the term "such communication service" refers to "*interstate* or foreign communication by wire or radio" in §201(a) (emphasis added). Disregarding this limitation, the FCC has applied its rule to both interstate and intrastate calls. 47 CFR §64.1300 (2005). In light of the fact that the statute explicitly limits "unjust or unreasonable" "practices" to those involving "interstate or foreign communication," the FCC's application of §201(b) to intrastate calls is plainly an unreasonable interpretation of the statute. To make matters worse, the FCC has not even bothered to explain its clear misinterpretation. See *In re Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 18 FCC Rcd. 19975 (2003).

The majority avoids directly addressing this argument by stating there is no reason "to forbid the FCC from concluding that an interstate half loaf is better than none." *Ante*, at 13. But if the FCC's rule is unreasonable, Metrophones should not be able to recover for intrastate calls in a suit under §207. Because intrastate calls cannot be the subject of an "unjust or unreasonable" practice under §201, there is no private right of action to recover for them, and the Court should cut off that half of the loaf. By sidestepping this issue, the majority gives the lower court no guidance about how to handle intrastate calls on remand.

IV

Because the majority allows the FCC to interpret the Communications Act in a way that contradicts the unambiguous text, I respectfully dissent.