Kristi Thompson

From: Daniel Suhr <dsuhr@americanrights.org>
Sent: Friday, May 8, 2026 9:07 PM
To: Katie McAuliffe; Allison Howell
Subject: [EXTERNAL]: Ex parte
Attachments: 5-8-26 Ex Parte.pdf; leave behind on network affiliate relations.pdf

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Thank you for meeting me this morning. Please find attached an ex parte notice summarizing the relevant points from our conversation and a leave-behind one-pager on one particular topic. Thanks - DANIEL

May 8, 2026

Marlene H. Dortch, Secretary
Federal Communications Commission
Via ECFS

Dear Ms. Dortch:

On Friday, May 8, on behalf of the Center for American Rights, I met with Allison Howell, legal advisor to the Chairman, and Katie McAuliffe, policy advisor. We discussed several topics:

- On Docket 19-41, children's programming, I emphasized our view that parents across America were frustrated by the lack of information available on the current ratings.
- On Docket 25-322, network-affiliate relations, I shared our view that the network-affiliate relationship was unbalanced, as discussed in our comment (1209639001378/1). I focused in particular on the concerns created by network owned-and-operated stations, as discussed more fully in the attached one-pager that I provided them.
- On Docket 26-45, sports broadcasting, I shared our view that the leagues are operating outside the scope of their antitrust exemption when negotiating their streaming deals and that consumers are rightly frustrated by increasing prices and decreasing access, as discussed in our comment (10327744609841/1).
- On Docket 17-318, national television ownership cap, I emphasized our view that the Commission should move forward with repeal (as discussed in our comment, 10804908625248/1) and urged it to do so this summer.
- On Docket 16-142, the transition to ATSC 3.0, I shared our view that the Commission should provide regulatory relief to broadcasters with greater flexibility to move toward ATSC 3.0.

We are grateful for the Chairman's leadership on these important issues.

Respectfully submitted,

/s/ Daniel R. Suhr
Daniel R. Suhr, president
Center for American Rights

To: Katie McAuliffe, FCC
From: Daniel Suhr, CAR
Date: May 8, 2026
RE: Network-Affiliate Relations

In the six months since the Commission first opened its docket on network-affiliate relations (MB 25-322), "the complex issues raised by that relationship" have only gotten more complicated. *Empowering Local Broadcasters*, 2025 FCC LEXIS 2528, *4 (Nov. 19, 2025). Media mergers, the arguments over preemption, and conflicts over sports broadcasting are all fueling further tension in the network-affiliate relationship.

As we pointed out in our opening and reply comments, the "imbalance" between networks and affiliates is real. As has become clear in the sports broadcasting docket, MB 26-45, certain networks have a real conflict-of-interest over where to place marquee programming: on their network air or on their proprietary streaming sites. The role of affiliates as a counterbalance to the networks has also grown in importance. Local station owners provide important checks within the overall broadcasting ecosystem, ensuring that network programming is truly in the interest of individual communities in their coverage areas.

One area of increasing attention is the leverage networks can place on affiliates through by denying marquee programming or making changes in affiliation. In 2025, CBS transferred its Atlanta network affiliation from Gray's WANF to its owned-and-operated station WUPA. "CBS says WUPA's programming has seen a 150 percent spike in viewership since the affiliation switch" [1] as viewers follow brand-name network programming. To be sure, networks like Paramount and Fox have an understandable business interest in expanding their owned-and-operated holdings in key sports and politics markets.[2] At the same time, the possibility of buying a cheap, non-Big Four station and then transferring affiliation gives networks incredible leverage on affiliates, which reduces the power of affiliates to effectively push back on the networks.

The Commission has previously warned about "the potential exercise of market power of networks over their affiliates to the detriment of the public." *In the Matter of Amdt. of Part 73 of the Rules concerning the Filing of Television Network Affiliation Contracts*, 10 FCC Rcd 5677, 5679 (1995). And Chairman Carr has admonished a network over reports it "is attempting to extract onerous financial and operational concessions from local broadcast TV stations under the threat of terminating long-held affiliations." Comm'r Carr letter to Mr. Bob Iger, Dec. 21, 2024.[3]

These concerns remain very real across the industry and deserve the Commission's attention in any final resolution coming out of the network-affiliate relations docket.

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[1] Matthew Keyes, "WUPA Atlanta to launch 'CBS News Atlanta Mornings' in February," TheDesk.net (Jan. 29, 2026), https://thedesk.net/2026/01/wupa-atlanta-to-launch-cbs-news-atlanta-mornings-in-february/.
[2] Alex Welprin, "Fox, CBS May Want In on Local TV Station Buying Spree," Hollywood Reporter (Sept. 3, 2026), https://www.hollywoodreporter.com/business/business-news/fox-cbs-nexstar-local-tv-buying-1236358490/.
[3] https://www.fcc.gov/sites/default/files/Carr-Letter-to-Disney-12212024.pdf.

Kristi Thompson

From: Tatel, Jennifer <JTatel@wbklaw.com>
Sent: Friday, May 8, 2026 11:03 AM
To: Allison Howell
Subject: [EXTERNAL]: Petition for Declaratory Ruling
Attachments: As filed - Petition for Declaratory Ruling.pdf

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Allison,

Attached please find a courtesy copy of a Petition for Declaratory Ruling filed yesterday.

Please let me know if you have any questions.

Thanks,
Jennifer

WILKINSON) BARKER) KNAUER) LLP

Jennifer Tatel
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

May 7, 2026

Summary

The Commission's order to file this Petition for Declaratory Ruling is unprecedented, beyond the Commission's authority, and counterproductive to the Commission's stated goal of encouraging free speech and open political discussion. The Commission's actions threaten to upend decades of settled law and practice and chill critical protected speech, both with respect to *The View* and more broadly.

The View has been broadcasting under a bona fide news exemption granted to it more than twenty years ago, consistent with longstanding Commission interpretations designed to minimize the serious First Amendment problems inherent in the equal time regime.[1] *The View*'s exemption remains valid and the constitutional infirmities in the equal time doctrine are even more pronounced today, when the broadcast airwaves account for a slice of the numerous media options through which Americans get their political information. Indeed, the marketplace of ideas has never been more robust, and people can hear virtually any brand of political commentary by listening to a podcast, watching cable, scrolling social media, or streaming on a phone, computer or connected TV. The free flow of ideas flourishes on these non-broadcast platforms even though the equal opportunities rule does not apply there.

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[1] *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Although the line up of the co-hosts has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

The public interest would best be served by supporting broadcasters' efforts to maintain their place in this marketplace of ideas. Narrowing the Commission's long-established approach to bona fide news exemptions, however, would risk restricting political discourse exactly when it is needed most. While candidates are always able to connect with voters on cable, podcasts, and social media, specifically requiring broadcast airtime for all qualified candidates does not expand speech; rather, it makes coverage infeasible, which ultimately reduces it. In California's upcoming gubernatorial "jungle primary," for instance, affording equal time would mean accommodating over 60 legally qualified candidates, regardless of their perceived newsworthiness. The government should neither suppress nor compel speech in support of any political viewpoint in order "to achieve [the state's] own conception of speech nirvana."[2] That includes telling a private publisher "how to exercise their editorial discretion about what content to carry or favor."[3]

Some may dislike certain—or even most—of the viewpoints expressed on *The View* or similar shows. Such dislike, however, cannot justify using regulatory processes to restrict those views. The government does not get to decide "what shall be orthodox in politics, nationalism, religion, or other matters of opinion."[4] Or which "ideas and beliefs [are] deserving of expression [and] consideration."[5] The danger is that the government will simply decide which perspectives to regulate and which to leave undisturbed. In fact, while the Commission now questions *The View*'s decades-long exemption, it has not expressed any inclination to apply a similar

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[2] *Moody v. NetChoice, LLC*, 603 U.S. 707, 742 (2024).

[3] *U.S. Telecom Ass'n v. FCC*, 855 F.3d 381, 435 (D.C. Cir. 2017) (Kavanaugh, J., dissenting from denial of rehearing en banc).

[4] *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

[5] *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994).

interpretation of the equal opportunities rule to other broadcasters, including the many voices—conservative and liberal—on broadcast radio. And as a broad array of voices, including many conservatives, have recognized, if the government is allowed to discriminate on the basis of viewpoint in a Republican administration, there is little preventing it from doing so when the Democrats are in charge.[6]

Until now, it has never been disputed that *The View* qualifies as a bona fide news interview program. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau confirming that status. That Declaratory Ruling remains in full force and effect. The Commission has taken no action over the last two decades to modify or overturn the Declaratory Ruling and there is no basis for doing so now. Given that KTRK Television acted in good faith reliance on the Declaratory Ruling and the consistent guidance provided by the Commission for decades, the Commission cannot find now that KTRK Television violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.

Nevertheless, at the end of March, the Media Bureau ordered KTRK Television to file another Petition for Declaratory Ruling regarding *The View*'s status as a bona fide news interview program. In parallel, on April 28, 2026, the Media Bureau issued an extraordinary order demanding the early filing of all of ABC's license renewal applications, including for KTRK-TV. Combined with the Commission's other recent actions, including publicly

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[6] *See, e.g.*, Alexandra Koch, *Cruz warns conservatives 'will regret' FCC censorship push against ABC, other media outlets*, Fox News (Sept. 19, 2025), https://foxnews.com/politics/cruz-warns-conservatives-will-regret-fcc-censorship-push-against-abc-other-media-outlets; Ben Shapiro, *Glad Kimmel's Gone But Don't Overreach*, The Daily Wire (Sept. 18, 2025), https://www.dailywire.com/news/glad-kimmels-gone-but-dont-overreach.

announcing its investigation concerning *The View* and presaging an outcome,[7] this suggests that the Commission is implementing major shifts in policy and practice, including how the Commission intends to apply the equal opportunities requirements. Such an abrupt and substantial change in long-established policy requires the action of the full Commission and the oversight of the courts.

The View continues to qualify as a bona fide news interview program because it continues to meet all of the legal requirements set forth by Congress and the Commission. Specifically, (1) *The View* is a regularly scheduled program, (2) *The View* is fully controlled by ABC, which produces the show for broadcast by the ABC Television Network, and (3) decisions concerning *The View*'s format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy. With respect to whether a broadcaster's programming decisions are based on newsworthiness, the Commission has long recognized that it was Congress's intent that the Commission respect the good faith news judgments of broadcast licensees.

Uncertainty as to the scope of broadcast licensees' editorial discretion threatens to limit news coverage of political candidates and chill core First Amendment-protected speech for years and potentially decades to come. As the 2026 midterm election approaches, the American people need more access to political news and more exposure to political candidates, not less. The Commission therefore must act quickly to assure broadcasters that it will uphold long-established legal standards by affirming that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

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[7] *See, e.g.*, Madison Columbo, *FCC chair warns 'The View' faces 'uphill climb' in equal-time probe*, Fox Business (Feb. 27, 2026), https://www.foxbusiness.com/media/fcc-chair-warns-the-view-faces-uphill-climb-equal-time-probe.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

I. INTRODUCTION.

By this Petition, KTRK Television, Inc. ("KTRK Television"), licensee of station KTRK-TV, Houston, Texas ("KTRK"), and its parent company, American Broadcasting Companies, Inc. (individually and together with KTRK Television, "ABC"), comply with the Commission's unprecedented order to request that the Commission affirm that *The View* is a "bona fide news interview" program under 47 U.S.C. § 315(a).[8] The Commission has analyzed this program already, and the factors that drove that decision remain controlling today. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau that *The View* qualifies as a bona fide news interview program. Consistent with that ruling, hundreds of political candidates across the political spectrum and other notable and newsworthy figures have appeared on *The View* over the past two decades, in full compliance with the Act and the Commission's rules.

However, as the 2026 election season approaches, recent statements from the Commission suggest a significant change in how it will apply its long-standing rules and

[8] While the Commission's order was directed to KTRK Television, the existing Declaratory Ruling was issued to ABC.

standards concerning the bona fide news exemptions to the equal opportunities requirements. On January 21, 2026, the FCC's Media Bureau released a *Public Notice* which purports to provide guidance on the equal opportunities requirement.[9] Rather than provide clarity, however, the *Public Notice* has created harmful ambiguity in an area where none previously existed and has a chilling effect on First Amendment-protected free speech on the eve of the 2026 elections. The *Public Notice* states that the Media Bureau "has not been presented with any evidence" that any current late night or daytime television talk show would qualify as a bona fide news interview program.[10] The *Public Notice* thus "encourages" any program or station that wishes to obtain formal assurance that it qualifies for the bona fide news exemption to file a request for declaratory ruling. The *Public Notice* reiterates certain elements of the standards that have long applied to the equal opportunities requirements and the bona fide news exemption, while simultaneously casting doubt on whether the Commission would continue to interpret those standards consistently with the approach it has taken for over 40 years.[11]

On February 11, 2026, the Media Bureau sent a Letter of Inquiry ("LOI") to KTRK Television concerning the appearance of senatorial primary candidate James Talarico on *The*

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[9] *FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations*, Public Notice, DA 26-68 (rel. MB Jan. 21, 2026) ("*Public Notice*").

[10] *Id.* at 4. The *Public Notice* conspicuously omits any reference to radio broadcasters.

[11] The *Public Notice* also contradicts prior Commission statements that formal petitions for declaratory ruling are not necessary for stations to be covered by the bona fide news exemptions. *See Request of Infinity Broadcasting Operations Inc.*, Declaratory Ruling, 18 FCC Rcd 18603, 18604 (MB 2003) ("*Infinity Declaratory Ruling*") ("[W]e emphasize that licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not seek formal declaration from the Commission that that such programs qualify as news exempt programming under Section 315(a).").

View, which aired on KTRK on February 2, 2026.[12] The LOI inquired whether the station had placed a record of the Talarico appearance in the station's political file and whether KTRK Television took the position that *The View* qualified as a bona fide news interview program. KTRK Television responded on February 12, 2026 that *The View* qualifies as a bona fide news interview program and, accordingly, the station had not placed a record of the Talarico appearance in the station's political file.

On March 26, 2026, the Media Bureau sent KTRK Television a Supplemental Letter of Inquiry ("SLOI") stating that it needed additional information concerning the matter.[13] The Bureau based its need for further inquiry on its assertion that "19 ABC affiliates serving parts of Texas all filed a notice of Mr. Talarico's February 2 appearance on *The View* pursuant to 47 CFR § 73.1943."[14] Thus, the Bureau suggested, "the assertion by KTRK Television, Inc. that *The View* qualifies for the *bona fide* news interview exception is not a position uniformly held by broadcasters that air the program."[15] The Bureau neglected to note, however, that while certain ABC affiliates documented Talarico's appearance in their online public inspection files, the filings were made more than two weeks after Talarico's appearance and apparently at the request of the FCC, which reportedly promised to eschew enforcement for the late filing. KTRK Television received no such request and no such offer, despite the Bureau specifically contacting

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[12] Letter from Erin Boone, Acting Chief, Media Bureau, FCC, to KTRK Television Inc., KTRK, Houston, TX (Fac. Id. 35675) (Feb. 11, 2026) ("LOI").

[13] Letter from Erin Boone, Chief, Media Bureau, FCC, to KTRK Television, Inc., KTRK, Houston, TX (Fac. Id. 35675), at 3 (Mar. 26, 2026) ("SLOI").

[14] *Id.*

[15] *Id.*

it about the Talarico appearance less than 10 days after it occurred.[16] The Bureau concluded the SLOI with an unprecedented order: "[W]e direct KTRK Television, Inc. to produce and submit to the Commission a petition for declaratory ruling regarding *The View* that satisfies the statutory requirements for a bona fide news exemption."[17]

The Bureau lacks the authority to issue an order mandating a licensee to file a petition for declaratory ruling. In support of its unprecedented order, the Bureau cited to the Commission's general authority to issue orders and conduct its proceedings as necessary to execute its functions.[18] Such authority, however, gives the Commission latitude to determine the manner in which it conducts its business, not blanket authority to order licensees to file petitions or initiate legal proceedings. Moreover, such an order flatly contradicts prior statements that "licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not

[16] At the time of the February 11, 2026, LOI, it appears that *none* of the 19 ABC affiliates referenced by the Media Bureau had seen fit to place a notification of the February 2 Talarico appearance in their political files.

[17] *Id.* On April 28, 2026, the Bureau issued an extraordinary order demanding that KTRK Television, along with all of ABC's broadcast licensees, file their license renewal applications years ahead of schedule, and has cited as its rationale the inadequacy of the Company's response to the FCC's investigation into the Company's diversity, equity, and inclusion (DEI) practices. *The Walt Disney Company, American Broadcasting Company, et. al.*, Order, DA 26-416, ¶ 2 n.1 (MB rel. Apr. 28, 2026). In that DEI investigation, the Company received a Letter of Inquiry from the Enforcement Bureau on June 5, 2025, and promptly negotiated an agreed scope and timetable for its responses with the Bureau. Between July and September 2025, the Company produced over 6,200 pages of documents in response consistent with the schedule and scope agreed to by the Bureau. The Company next heard from the Commission five months later when the Commission issued an expansive Supplemental Letter of Inquiry. The Company completed its response to the Supplemental Letter of Inquiry on April 21, 2026, on the timetable agreed to by the Bureau, producing a 38 page narrative response to the Commission's 78 additional written requests and producing an additional 4,839 pages of documents—one week before the Bureau's order requiring early license renewal applications.

[18] *Id.* (citing 47 U.S.C. § 154(i) and(j) and 47 C.F.R. § 1.1).

seek formal declaration from the Commission that such programs qualify as news exempt programming under Section 315(a)."[19]

As for the merits, the Commission should interpret the exception to cover *The View* to avoid the serious constitutional problems that would arise from applying the equal opportunities rule to the program. While the Supreme Court may once have upheld the FCC's distinct "personal attack" and "political editorial" regulations,[20] the fundamental factual predicates of that decision no longer exist. The decision to hold broadcasters—and broadcasters alone—to a different First Amendment standard was dubious then and unsupportable now. In the absence of any meaningful scarcity of information resources, it is difficult to see how the equal opportunities rule can survive First Amendment scrutiny. The Commission should avoid those constitutional concerns by affirming that *The View* still qualifies for a Section 315(a) exemption as a bona fide news interview program.

As noted above, the Commission previously ruled that *The View* is exempt from the equal opportunities requirements as a bona fide news interview program. There has been no subsequent action from the Commission modifying or overturning that ruling. As KTRK (and all other stations airing *The View*) acted in accordance with that determination, the Commission cannot find that KTRK Television or any other licensee violated any aspect of those requirements with respect to the appearance of Talarico or any other political candidate on *The View*.

ABC stresses its full commitment to compliance with all regulations, statutes and, of course, the Constitution, and believes it has acted consistently with them. As demonstrated herein, there can be no doubt that *The View* continues to qualify as an exempt bona fide news

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[19] *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

[20] *Red Lion Broad. Co. v. FCC*, 395 U.S. 367 (1969).

interview program. As additional elections approach, however, ABC and similarly situated broadcasters face complex programming decisions, including with respect to bookings of legally qualified candidates. Uncertainty fostered by the *Public Notice* as to the scope of broadcast licensees' editorial discretion and, conversely, their obligation to air material that they otherwise might not, chills core First Amendment-protected speech.

Because of this uncertainty and its harmful effects on free speech, it is critical that the Commission act quickly to reaffirm its long-standing principles concerning bona fide news programming, as well as *The View*'s qualification as a bona fide news interview program. Affirming *The View*'s exempt status will advance the Congressional mandate to bring "the news concerning political races to the greatest number of citizens,"[21] support the public interest service provided by broadcast station licensees, and ratify the Commission's dedication to core First Amendment principles. Indeed, constitutional avoidance compels *The View*'s continued qualification for an equal opportunities exemption.

It is equally critical that any further action in this matter be conducted via consideration by and a vote of the full Commission and not by Media Bureau staff acting under delegated authority. While the Commission may delegate some functions to Bureau staff, changes in long-standing Commission rulings can only be made by the Commission itself.[22] The Commission established its current approach to bona fide news interview programs over 40 years ago and has consistently applied it ever since. Changes in the law must come from the Commission itself, not Bureau staff. In addition, because this matter will impact elections—many of which are in full swing—it is vital that this matter be resolved quickly by the Commission and, if necessary,

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[21] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

[22] *See* 47 U.S.C. §§ 155(c)(1)-(3); 47 C.F.R. § 0.5(c).

the courts. Bureau level action in this matter would only result in delay that will chill time sensitive news coverage of elections. News delayed is news denied and, as Senators Ted Cruz and Maria Cantwell recently reminded the Commission, "[t]hat concern is not merely academic. Process choices in high-profile cases establish precedent."[23]

ABC therefore requests that the Commission act expeditiously to affirm its long-standing approach to the bona fide news interview exemption and the Commission's continued support of the public interest services provided by broadcast stations.

II. FIRST AMENDMENT CONSIDERATIONS MUST GOVERN THE COMMISSION'S ACTIONS.

A. The Equal Opportunities Rule Raises Profound First Amendment Concerns.

The First Amendment emphatically protects "both the right to speak freely and the right to refrain from speaking at all."[24] Since "all speech inherently involves choices of what to say and what to leave unsaid," it is bedrock law that "one who chooses to speak may also decide 'what not to say.'"[25] For the broadcast media, each right is equally important. Curating news programming requires editorial decisions about what stories, guests, and topics to feature—choices that inevitably require trade-offs. Those decisions define a broadcaster's speech offering and its contribution to public discourse. And those editorial decisions are especially important today, as broadcasters attempt to inform and entertain the public in competition with a cacophony of other voices and sources of information, from cable television to social media to artificial intelligence tools. The First Amendment thus protects "editorial discretion in the

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[23] Letter from Ted Cruz & Maria Cantwell to Brendan Carr, Chairman, FCC (Mar. 30, 2026) (Chair & Ranking Member, Senate Committee on Commerce, Science, and Transportation).

[24] *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

[25] *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995).

selection and presentation" of speech.[26] Under the First Amendment, the government is not in the business of compelling or suppressing speech to achieve officials' ideal or preferred news presentations.

Governments are free to criticize private speech, but not to compel or suppress it. When the government has sought to shape the news landscape, the Supreme Court has roundly rejected those efforts. In *Miami Herald Pub. Co. v. Tornillo*, for instance, the Court invalidated a Florida law requiring newspapers to offer political candidates space to respond to negative press.[27] The Court stressed that the "choice of material to go into a newspaper, and the decisions made as to … treatment of public issues and public officials—whether fair or unfair—constitute the exercise of editorial control and judgment," which is itself protected speech.[28] Whatever interest the state may have had in "ensur[ing] that a wide variety of views reach[ed] the public" is not sufficiently compelling to force a newspaper to "print that which it would not otherwise print."[29]

That is hardly the only context in which the Court has rejected the notion that the government may restrict the First Amendment rights of private parties in service of "balancing" the public's information diet. Most recently, the Court rejected state efforts to force social media companies to disseminate speech in order "to achieve [the state's] own conception of speech nirvana."[30] Whatever the medium, the government may not tell private parties "how to exercise their editorial discretion about what content to carry or favor."[31] The government may not "tell

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[26] *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 674 (1998).

[27] *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256 (1974).

[28] *Id.* at 258.

[29] *Id.* at 248.

[30] *Moody*, 603 U.S. at 742.

[31] *U.S. Telecom Ass'n*, 855 F.3d at 435 (Kavanaugh, J., dissenting from denial of rehearing en banc).

Amazon or Politics & Prose what books to promote; or tell *The Washington Post* or the *Drudge Report* what columns to carry; or tell ESPN or the NFL Network what games to show; or tell *How Appealing* or *Bench Memos* what articles to feature; or tell Twitter or YouTube what videos to post; or tell Facebook or Google what content to favor."[32]

The equal opportunities rule operates in the teeth of these principles, compelling and chilling speech by broadcasters. The rule provides, in relevant part, that "[i]f any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."[33] By forcing broadcasters to air *all* qualified candidates without regard to their newsworthiness, the rule squelches editorial discretion: Sometimes that means a broadcaster will be compelled to change its offerings and broadcast speech it views as unnewsworthy, and sometimes it means a broadcaster will self-censor and refrain from speech it believes is newsworthy to avoid obligations to multitudes of less-newsworthy aspirants to elected office. The equal opportunities rule is utterly irreconcilable with the Court's repeated admonitions that "a speaker has the autonomy to choose the content of [its] own message."[34] Just as the government may not compel private parties to convey its own message,[35] it may not compel one private speaker to convey the message of another.[36]

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[32] *Id.*

[33] 47 U.S.C. § 315(a).

[34] *Hurley*, 515 U.S. at 573.

[35] *W. Va. State Bd. of Educ.*, 319 U.S. 624.

[36] *303 Creative LLC v. Elenis*, 600 U.S. 570, 588-89 (2023); *Hurley*, 515 U.S. at 573; *Pac. Gas and Elec. Co. v. Pub. Utils. Comm'n*, 475 U.S. 1, 11 (1986) (plurality op.); *Tornillo*, 418 U.S. at 258.

To be sure, the Supreme Court's decision in *Red Lion* held that those principles applied somewhat differently in the 1960s broadcasting context.[37] But *Red Lion*'s factual predicates no longer obtain.[38] The *Red Lion* Court upheld the FCC's "personal attack" and "political editorial" regulations, reasoning that these aspects of the fairness doctrine were permissible in view of scarce broadcast spectrum and the right of the public to information.[39] These justifications were dubious then—"[t]he text of the First Amendment makes no distinctions among print, broadcast, and cable media,"[40] and in any event "[a]ll economic goods are scarce, not least the newsprint, ink, delivery trucks, computers, and other resources that go into the production and dissemination of print journalism."[41] But they are unsupportable now in an age of information ubiquity. The public does not rely on compelling broadcasters' speech "to receive suitable access to social, political, esthetic, moral, and other ideas and experiences,"[42] when seemingly endless sources of information abound at the tap of a smartphone. Indeed, *Red Lion* itself "implied that its result would have been different in the absence of such a [scarcity] predicate,"[43]—a reservation to which the Court,[44] and several justices,[45] have subsequently alluded.

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[37] *Red Lion*, 395 U.S. at 386-93.

[38] *See FCC v. Fox Television Stations, Inc*., 556 U.S. 502, 530 (2009) (Thomas, J., concurring).

[39] 395 U.S. at 389-92.

[40] *Denver Area Educ. Telecomm. Consortium, Inc. v. FCC*, 518 U.S. 727, 812 (1996) (Thomas, J., joined by Rehnquist, C.J. and Scalia, J., concurring in part).

[41] *Telecommunications Rsch. & Action Ctr. v. FCC*, 801 F.2d 501, 508 (D.C. Cir. 1986).

[42] *Red Lion*, 395 U.S. at 390.

[43] *Time Warner Ent. Co., L.P. v. FCC*, 105 F.3d 723, 725 (D.C. Cir. 1997) (Williams, J. dissenting from denial of rehearing en banc).

[44] *FCC v. League of Women Voters of Cal.*, 468 U.S. 364, 376 n.11 (1984).

[45] *Fox Television Stations*, 556 U.S. at 533 (Thomas, J., concurring).

Shorn of scarcity concerns that are no longer tenable, the equal opportunities rule is in serious tension with the First Amendment. Much as with Section 315(a), the State in *Tornillo* argued that the right-of-reply statute was critical "to ensure that a wide variety of views reach the public."[46] The press, the State lamented, had become "enormously powerful and influential in its capacity to manipulate popular opinion and change the course of events."[47] The "result," the state continued, was "to place in a few hands the power to inform the American people and shape public opinion," leading to "homogeneity of editorial opinion, commentary, and interpretive analysis" and "abuses of bias and manipulative reportage."[48] The Court refused to allow these fears to override the speech rights of newspapers, finding that the law's blatant "intrusion into the function of editors" decidedly failed to "clear the barriers of the First Amendment."[49] The Court has rejected precisely the same speech-balancing rationale in invalidating a ban on public-broadcaster editorializing.[50] *League of Women Voters of Cal.* emphasized that determining the constitutionality of broadcaster regulations "requires a critical examination of the interests of the public and broadcasters in light of the particular circumstances of each case,"[51] and ultimately struck down the policy.

Because Section 315(a) "restrict[s] precisely that form of speech which the Framers of the Bill of Rights were most anxious to protect—speech that is 'indispensable to the discovery

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[46] 418 U.S. at 247-48.

[47] *Id.* at 249.

[48] *Id.* at 250.

[49] *Id.* at 258.

[50] *League of Women Voters of Cal.*, 468 U.S. at 398 (invalidating the Communications Act's prohibition in Section 399 for noncommercial broadcast stations that received grants from the Corporation for Public Broadcasting from engaging in editorializing).

[51] *Id.* at 381.

and spread of political truth'—[courts] must be especially careful in weighing the interests that are asserted in support of this restriction and in assessing the precision with which" the requirement operates.[52] It is difficult to see how Section 315(a) can survive that "careful … weighing." In short, if the Supreme Court were to consider the question anew—as several Justices have suggested it should—it is hard to see how it could hold the equal opportunities rule constitutional.

B. At Minimum, the Equal Opportunities Rule Could Not Survive Constitutional Scrutiny Without a Robust Bona Fide News Exemption.

At a minimum, the equal opportunities rule could not survive constitutional scrutiny without the kind of robust bona fide news exemption that the Commission has applied for decades. "When legislation and the Constitution brush up against each other," an agency's "task is to seek harmony, not to manufacture conflict."[53] By adding the bona fide news exemption to the equal opportunities rule, Congress provided a means by which the rule can be "construed to avoid serious constitutional doubts."[54] But the bona fide news exemption can operate as a First Amendment pressure-release valve only if the Commission maintains the robust interpretation of the exemption that it has long employed.

The equal opportunities rule was adopted as part of the Radio Act of 1927 to help ensure that candidates for public office were treated in an equal manner with respect to access to broadcast facilities. This was particularly important at that time and for the next several decades, when broadcast radio and television represented the sole forms of mass media and the only

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[52] *Id.* at 383.

[53] *United States v. Hansen*, 599 U.S. 762, 781 (2023).

[54] *Fox Television Stations*, 556 U.S. at 516.

means by which political candidates could communicate their direct message to mass audiences. Nevertheless, Congress had come to recognize even by the time of *Red Lion* that the equal opportunities rule imposed substantial burdens on, and threatened to chill, broadcast stations' coverage of political information. That concern became particularly acute after the Commission reversed longstanding precedent and imposed equal-opportunities obligations based on candidate appearances during newscasts.[55]

Congress responded in 1959 by adding the bona fide news exemption to foster coverage of political campaign activity and preserve broadcasters' discretion to exercise their good faith news judgment in deciding which candidates to cover and in what formats.[56] As the legislative history confirms, Congress's goal in doing so was "to enable what probably has become the most important medium of political information to give the news concerning political races to the greatest possible number of citizens, and to make it possible to cover the political news to the fullest degree."[57] To that end, Congress provided:

> Appearance by a legally qualified candidate on any—
>
> (1) bona fide newscast,
> (2) bona fide news interview,
> (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
> (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

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[55] *Petitions of Columbia Broadcasting System, Inc., and National Broadcasting Co*., Interpretive Opinion, 26 F.C.C. 715 (1959); *see Chisholm v. FCC*, 538 F.2d 349, 351-52 (D.C. Cir. 1976).

[56] *See, e.g.*, 105 Cong. Rec. 14446 (1959) (statement of Sen. McNamara) (the amendments leave "the control of news coverage of politics in the hands of the broadcasters"); *see also Request by Multimedia Entertainment, Inc. for Declaratory Ruling*, Memorandum Opinion and Order, 56 Rad. Reg. 2d 143, 144 (1984) ("*Donahue Decision*") ("Congress contemplated and intended to encourage increased news coverage of political campaign activity.").

[57] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

> shall not be deemed to be use of a broadcasting station within the meaning of this subsection.[58]

Those exemptions notably are not confined to traditional "newscasts," but rather sweep in (among other things) "bona fide news interview" programs.[59] While Congress did not attempt to specifically define the types of programs that would qualify as bona fide news interviews, the legislative history identified factors such as whether a program is "regularly scheduled," and whether its "content and format" are "determined by the licensee" or by the network "in the exercise of its 'bona fide' news judgement and not for the political advantage of the candidate for public office."[60]

In keeping with that guidance, which the Commission concluded Congress had "enjoined" it to follow,[61] the Commission established three factors to determine whether something qualifies as a bona fide news interview: (1) whether the program is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether the broadcaster's or independent producer's decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy.[62] The overarching newsworthiness consideration reflects Congress's

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[58] 47 U.S.C. § 315(a).

[59] 105 Cong. Rec. 17776, 17777 (1959) (Conference Report) ("[A]n appearance on a 'bona fide news interview' is exempted without regard to whether it is included as part of a newscast.").

[60] 105 Cong. Rec. at 17777. *See also id.* at 17782 (statement of Sen. Harris) ("This requirement regarding the bona fide nature of the newscast, news interview or news events was not included without careful thought by the conference committee. It sets up a test which appropriately leaves reasonable latitude for the exercise of good faith news judgment on the part of broadcasters and networks.").

[61] *See Inquiry Concerning "Equal Time" Requirements Under Section 315 of the Communications Act of 1934, as amended*, 40 F.C.C. 395, 396 (1964).

[62] *See, e.g.*, *Hearst Television Inc.*, Declaratory Ruling, 31 FCC Rcd 7191, 7192-93 (MB 2016) (citing *ANE Productions Inc.*, Declaratory Ruling, 26 FCC Rcd 16148, 16149 (MB 2011) ("*ANE*

decision to qualify each exemption with the term "bona fide," thereby emphasizing that the key question is whether programming at issue is of genuine news value, as opposed to designed for the partisan purpose of advancing or harming any particular candidate.[63]

While the Commission's application of that three-part test evolved in the early years, it has remained largely stable since the landmark *Donahue Decision* in 1984, in which the Commission recognized that the exemption must be interpreted consistent with "Congress' overriding intent to increase news coverage of the political campaign process."[64] In the *Donahue Decision*, the Commission reversed a prior decision denying a bona fide news interview exemption to the talk show *Donahue*.[65] In doing so, the Commission applied the standard three-part test. First, the Commission recognized that there was no dispute as to whether *Donahue* was regularly scheduled. With respect to the second prong, whether the program's producers maintained control over the program, the Commission explicitly concluded that a talk show format did not preclude a finding of licensee control:

> [I]t would be unsound to rule that a program involving a unique or innovative approach to interviewing its guests somehow lacks sufficient licensee control evident in more traditional news interview programs like

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Declaratory Ruling"); *Request of ABC, Inc. for Declaratory Ruling*, 15 FCC Rcd 1355, 1358 (MMB 1999) ("*ABC Declaratory Ruling*")).

[63] *See Petitions of Henry Geller and National Association of Broadcasters and the Radio-Television News Directors Association to change Commission interpretation of Subsections 315(a)(3) and (4) of the Communications Act*, Report and Order, 95 F.C.C.2d 1236, 1243 (1983), *aff'd sub nom League of Women Voters Educ. Fund v. FCC*, 731 F.2d 995 (D.C. Cir. 1983).

[64] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358 (recognizing a shift in focus from programs with "more traditional question and answer formats" to "varying less conventional interview formats"); *see also Requests of Fox Broadcasting Company, Public Broadcasting Service, and Capital Cities/ABC, Inc. for Declaratory Rulings*, Declaratory Ruling, 11 FCC Rcd 11101, 11108 (1996) ("*Fox Declaratory Ruling*") ("Initially, the Commission interpreted the exemptions narrowly. Over the last twenty years, however, the Commission has interpreted the exemptions to allow for more diverse kinds of news programming, particularly with respect to the *bona fide* news interview and on-the-spot coverage of *bona fide* news event exemptions.").

[65] *Donahue Decision*, 56 Rad. Reg. 2d 143-44.

> "Meet the Press" or "Face the Nation" when the licensee has implemented reasonable techniques to ensure control. To do so would discourage programming innovation by sending a signal to broadcasters that to be exempt an interview program should adhere only to the format of certain programs mentioned by Congress over twenty-five years ago.[66]

Regarding the third prong, the Commission held that "[t]he proper Commission concern is limited to whether a licensee's claim of newsworthiness is reasonable" and that "it would seem elemental that Congress contemplated interviews with elected officials and candidates for elected office as newsworthy subject matter."[67] Noting that "Congressional intent is to defer substantially to the good faith news judgments of broadcast licensees," the Commission held *Donohue* qualified for the bona fide news interview exemption.[68]

In the ensuing 40 years, the Commission has consistently reaffirmed this approach, finding that a wide variety of programs qualify as bona fide news interview programs, including programs that featured non-traditional formats and hosts without formal journalistic backgrounds. As the Mass Media Bureau explained in 1999, "[i]n attempting to fulfill the letter and the spirit of the law, the Commission's decisions in this area have continued to expand the kinds of programming eligible for exemption in recognition of change and innovation in broadcast production."[69] Programs deemed qualified as bona fide news interview programs include such varied programs as *The Morning Program* (1987), *Geraldo* (1988), *Sally Jessy Raphael* (1991), *Later with Bob Costas* (1991), *The Jerry Springer Show* (1994), *The Howard Stern Show* (2003), *Governor Heineman's Call-In Show* (2006), and *The Tonight Show* (2006).[70]

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[66] *Id.* at 146.

[67] *Id.* at 147.

[68] *Id.* at 148.

[69] *ABC Declaratory Ruling*, 15 FCC Rcd at 1359.

[70] *Request by CBS Inc. for Declaratory Ruling*, 2 FCC Rcd 4377 (MMB 1987); *Request of Tribune Broadcasting Company for Declaratory Ruling*, 3 FCC Rcd 6248 (MMB 1988); *Request*

For example, in 2008 the Media Bureau found that the news interview segments of *The 700 Club* qualified for the bona fide news interview program exemption.[71] In making its determination, the Bureau emphasized assurances that, among other things, "all questions are prepared by a CBN employee based upon journalistic news principles" and that interviewees were selected based on newsworthiness and other factors.[72]

Similarly, in *ANE Productions Inc*., the Media Bureau found that the daytime talk show *Anderson*, which featured "a mixture of news and entertainment topics," qualified for the bona fide news interview exemption.[73] The producers of the program stated that "the format also includes interviews with celebrity guests and that 'qualified candidates for political office will be interviewed when their stories are considered by the producers to be relevant and newsworthy.'"[74] In its discussion of the case, the Bureau noted its long-standing position that "its 'role is not to decide, by some qualitative analysis, whether one kind of news story is more *bona fide* than another … [s]o long as the program characteristics set out by Congress are met,

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of Multimedia Entertainment, Inc. for Declaratory Ruling, 6 FCC Rcd 1798 (MMB 1991); *Request of National Broadcasting Co., Inc. for Declaratory Ruling*, 6 FCC Rcd 5200 (MMB 1991); *Request of Multimedia Entertainment, Inc. for Declaratory Ruling*, 9 FCC Rcd 2811 (MMB 1994); *Infinity Declaratory Ruling*, 18 FCC Rcd 18603; *Request of Nebraska Broadcasters Association for Declaratory Ruling*, 21 FCC Rcd 10742 (MB 2006) ("*NBA Declaratory Ruling*"); *Equal Opportunities Complaint Filed by Angelides For Governor Campaign Against 11 California Television Stations*, 21 FCC Rcd 11919 (MB 2006).

[71] *Petition of The Christian Broadcasting Network for Declaratory Ruling*, 23 FCC Rcd 7165, 7166 (MB 2008).

[72] *Id.*

[73] *ANE Declaratory Ruling*, 26 FCC Rcd at 16148.

[74] *Id.*

[its] role is properly limited to determining whether a broadcaster was reasonable in deciding that a program fits within an exemption.'"[75]

Likewise, in 1999 the Bureau found that *Politically Incorrect with Bill Maher* qualified for the bona fide news interview exemption.[76] The Bureau followed the standard three-part test; with respect to the second prong—whether the broadcaster controls the program—the Bureau credited the broadcaster's "various reasonable mechanisms" for maintaining control over the production, finding that "those structural safeguards appear reasonably designed to assure that good faith news judgment can be adequately protected."[77] Acknowledging the guidance from Congress and the Commission's decision in *Donohue* to "not second-guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion," the Bureau found that decisions about format, content and selection of participants on *Politically Incorrect* were based on newsworthiness and not motivated by any partisan purpose, despite the satirical nature of some of the program content.[78]

Notably, the Commission's analysis of the "bona fide" nature of a program has never rested on an examination of the political views of the program's host or required a host to profess partisan neutrality. Indeed, the Commission has granted exemptions to programs hosted by elected officials (a group not generally known for partisan neutrality). For instance, in 2006, the Media Bureau concluded that both *Governor Heineman's Call-In Show* and *Senator Ben*

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[75] *Id.* at 16469 (quoting *Request for Declaratory Ruling By Paramount Pictures Corporation, Cox Broadcasting Corporation, Taft Television Productions, and Television Program Enterprises*, 3 FCC Rcd 245, 245-46 (MMB 1988)).

[76] *ABC Declaratory Ruling*, 15 FCC Rcd 1355.

[77] *Id.* at 1359.

[78] *Id.*

Nelson's Call-In Show qualified for the bona fide news interview exemption under Section 315(a)(2) of the Act.[79]

In short, in accordance with Congressional intent and the requirements of the First Amendment, the Commission has consistently given deference to broadcasters' good faith judgment.[80] And courts have long affirmed that this deference is necessary to avoid the equal opportunities rule's encroaching on core First Amendment rights. As the D.C. Circuit put it, "absent evidence of broadcaster intent to advance a particular candidacy, the judgment of the newsworthiness of an event is left to the reasonable news judgment of professionals."[81] The First Amendment demands nothing less.

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[79] *NBA Declaratory Ruling*, 21 FCC Rcd at 10742-43.

[80] *See, e.g.*, *Fox Declaratory Ruling*, 11 FCC Rcd at 11108 ("In recognition of Congress' primary goal in enacting the exemptions – to facilitate a better informed electorate through greater news coverage of the political process – the Commission has accorded greater deference to a licensee's good faith news judgment."); *Donahue Decision*, 56 Rad. Reg. 2d at 148.

[81] *Kennedy for President Comm. v. FCC*, 636 F.2d 417, 427 (D.C. Cir. 1980) (quoting *Chisholm*, 538 F.2d at 359). Courts have long recognized this Congressional intent in interpreting the scope and application of the Section 315(a) exemptions. The D.C. Circuit, for instance, noted that Congress had concluded that "the concept of absolute equality among competing political candidates would have to give way, to some extent, to two other 'worthy and desirable' objectives: First, the right of the public to be informed through broadcasts of the political events; and Second, the discretion of the broadcaster to be selective with respect to the broadcasting of such events." *Chisholm*, 538 F.2d at 352 (citing Hearings on Political Broadcasts Equal Time Before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce, 86th Cong., 1st Sess. 2 (1959) (statement of Chairman Harris)). Thus, the Court stated, "[i]n creating a broad exemption to the equal time requirements in order to facilitate broadcast coverage of political news, Congress knowingly faced risks of political favoritism by broadcasters, and opted in favor of broader coverage and increased broadcaster discretion." *Chisholm*, 538 F.2d at 366.

III. *THE VIEW* IS A BONA FIDE NEWS INTERVIEW PROGRAM TODAY, JUST AS IT WAS IN 2002.

As the foregoing should make clear, the best way for the Commission to avoid the grave First Amendment problems that the equal opportunities rule presents is by holding, as it did in 2002, that *The View* qualifies for a Section 315(a) exemption as a bona fide news interview program. *The View* continues to easily satisfy the criteria the Commission has long applied. And interpreting the bona fide news interview program exemption to exclude shows like *The View* would only exacerbate the constitutional problems with the statutory scheme.

A. Description of *The View*.

The View is an ABC Television Network program that has aired weekday mornings since August 1997. *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers from all walks of life and points of view.

Now in its 29th season, *The View* has remained committed to this format that has made it one of the most successful and longest-running daytime programs of all time. Although the co-host line up has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.[82]

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[82] *The View* also features guest co-hosts from time to time including, for example, Savannah Chrisley, who filled in during Griffin's maternity leave in February 2026. *See* Olivia Rondeau,

- Joy Behar was one of the original hosts of *The View* when it premiered in 1997. Ms. Behar is among today's leading media personalities and has won numerous awards, including the 2009 Daytime Emmy Award for Outstanding Talk Show Host.[83] Ms. Behar's professional background is rooted in education and news production. She went on to serve as a producer for ABC News' *Good Morning America*, hosted *The Joy Behar Show* on CNN's HLN, and frequently guest-hosted *Larry King Live*.[84] She also hosted a WABC radio program, and worked as a high school English teacher for several years before transitioning to media.[85] Ms. Behar holds a Bachelor of Arts in sociology from Queens College and a Master's Degree in English Education from Stony Brook University.[86]

- Alyssa Farah Griffin is a Republican political strategist who joined *The View* as a co-host in 2022.[87] Ms. Griffin served as White House Director of Strategic Communications and Assistant to President Donald Trump during his first term and previously held roles as Press Secretary for the Department of Defense and Deputy Assistant to the Secretary of Defense in prior Republican administrations. From 2017 to 2019, she served as Press Secretary for former Vice President Mike Pence, and previously spent several years working as a senior communications aide for Representative Mark Meadows (R-NC) and the House Freedom Caucus under Representative Jim Jordan (R-OH) and Meadows. Ms. Griffin began her career in journalism as a broadcast media intern at the National Journalism

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Trump-Supporting TV Personality Savannah Chrisley to Guest Host 'The View', Breitbart (Feb. 5, 2026), https://www.breitbart.com/entertainment/2026/02/05/trump-supporting-tv-personality-to-guest-host-the-view. More recently, former co-host Elisabeth Hasselbeck returned to the show last month, garnering attention due to her defense of U.S. military actions in Iran. *See* Julia Moore, *Elisabeth Hasselbeck's Return to The View Is Interrupted by Trump's Remarks on Iran*, People (Mar. 2, 2026), https://people.com/elisabeth-hasselbeck-return-to-the-view-interrupted-by-trumps-remarks-on-iran-11917380. Co-host selection is "all about a different point[s] of view at the table," and ensuring the panel consists of people "who are good at this job." Ted Johnson, *Elisabeth Hasselbeck, Abby Huntsman & Savannah Chrisley To Be Among Guest Co-Hosts On 'The View' During Alyssa Farah Griffin's Maternity Leave*, Deadline (Feb. 4, 2026), https://deadline.com/2026/02/the-view-guest-co-hosts-alyssa-farah-griffin-1236708881.

[83] Joy Behar, ABC.com, https://abc.com/cast/b2ffc195-a56a-49d4-812a-a918a6fa717c (last visited Apr. 25, 2026) (cast biography).

[84] Lacey Rose, *HLN Confirms 'The Joy Behar Show' Has Not Been Renewed*, The Hollywood Reporter (Nov. 17, 2011), https://www.hollywoodreporter.com/news/general-news/hln-confirms-joy-behar-show-cancelled-263095.

[85] Joy Behar, CNN, https://www.cnn.com/CNN/anchors_reporters/behar.joy.html (last visited Apr. 25, 2026) (anchors and reporters biography).

[86] Zoey Lyttle, *Joy Behar's Life in Photos*, People (Oct. 7, 2022), https://people.com/tv/joy-behars-life-in-photos.

[87] Alyssa Farah Griffin, ABC.com, https://abc.com/cast/8003d444-bb1c-4fcb-9fd4-4f941247fef0 (last visited Apr. 25, 2026) (cast biography).

Center.[88] Ms. Griffin holds a Bachelor of Arts in journalism from Patrick Henry College.[89]

- Whoopi Goldberg has served as moderator and co-host of *The View* since 2007. An award-winning actress, producer and author,[90] Ms. Goldberg's career launched on Broadway in 1984 with her critically acclaimed one-woman stage show, *Whoopi Goldberg*. Ms. Goldberg made her Hollywood debut in Steven Spielberg's *The Color Purple*, earning an Academy Award nomination for Best Actress, and later won the Academy Award for Best Supporting Actress for her role in *Ghost*. In 2001, she received the Mark Twain Prize for American Humor. In 2002, she completed the rare EGOT distinction, having earned an Emmy, Grammy, Oscar, and Tony Award (as a producer of the musical *Thoroughly Modern Millie*).[91] Prior to joining *The View,* Ms. Goldberg also hosted *The Whoopi Goldberg Show* and a nationally syndicated morning radio program, *Wake Up with Whoopi*. Beyond performance, she has written several books, including a collection of humorous essays, and two children's books, and serves as a UNICEF International Goodwill Ambassador.[92] She has been honored with an honorary degree from Wilson College.[93] Goldberg has stated she does not identify with a specific political party.[94]

- Sara Haines, a former ABC News correspondent, joined *The View* as a co-host from 2016 to 2018, and returned to the program in 2020 after co-hosting ABC's

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[88] Alyssa Griffin, Legistorm.com, https://www.legistorm.com/person/bio/220812/Alyssa_Farah_-Griffin/hashkey/f7c373fb.html (last visited Apr. 25, 2026).

[89] Marjorie Pratt, *White House Spotlight: Alyssa Farah* (May 18, 2020), https://www.phc.edu/-learnphc/alyssa-farah.

[90] Whoopi Goldberg, ABC.com, https://abc.com/cast/00fdbde0-e115-4778-9dc8-b7091ce2caa9 (last visited Apr. 25, 2026) (cast biography).

[91] Whoopi Goldberg, Encyclopedia Britannica (last updated Apr. 13, 2026), https://www.britannica.com/biography/Whoopi-Goldberg.

[92] Whoopi Goldberg, American Academy of Achievement, https://achievement.org/achiever/whoopi-goldberg (last visited Apr. 25, 2026); Whoopi Goldberg, Yale Center for Dyslexia & Creativity, https://dyslexia.yale.edu/story/whoopi-goldberg (last visited Apr. 25, 2026) (biographical profile and interview).

[93] William C. Trott, *Whoopi By Degrees*, UPI (Dec. 4. 1987), https://www.upi.com/Archives/1987/12/04/WHOOPI-BY-DEGREES/7754565592400.

[94] Goldberg declared on the show that she does not subscribe to a particular political party ideology, in that she believes "the only way to get stuff done is to have both parties represented at the same time." Amanda Bell, *Whoopi Goldberg Explains Exactly Why She's Not a Democrat on 'The View'*, TV Insider (June 5, 2025), https://www.tvinsider.com/1195574/the-view-whoopi-goldberg-not-democrat-explained.

GMA Day.[95] Before joining ABC in 2013, Ms. Haines worked for NBC's *Today* show, beginning as a production coordinator in 2002 after completing NBC's Page Program.[96] She expanded her role at *Today* in 2008 as host of *TODAYshow.com*'s entertainment video blog *Backstage Pass*, through which she conducted celebrity interviews and offered behind-the-scenes coverage of the show. At ABC, she served as a network correspondent and pop news anchor for the weekend editions of *Good Morning America*, before transitioning to *The View*. Ms. Haines holds a Bachelor of Arts in government from Smith College.[97]

- Sunny Hostin, an attorney and investigative journalist, has been a co-host of *The View* since 2016. Before her television career, Ms. Hostin worked as an appellate law clerk to Chief Judge of the Maryland Court of Appeals Robert M. Bell.[98] Later, she joined the Department of Justice's antitrust unit under President Bill Clinton. Ms. Hostin also served as an assistant United States attorney specializing in child sex crimes under Attorney General Janet Reno, from whom she received a Special Achievement Award.[99] Moving into private practice, Ms. Hostin served as a Managing Director of Business Intelligence and Investigations at Kroll.[100] She subsequently built a prominent media presence, appearing weekly on the "Is It Legal?" segment of Fox News' *The O'Reilly Factor* and serving as a host and legal analyst at CNN. Ms. Hostin has also filled in as co-anchor for ABC News' *World News Now* and *America This Morning*.[101] She holds a degree in Communications from Binghamton University and a Juris Doctorate from Notre Dame Law School.

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[95] Hilary Lewis, *It's Official: Sara Haines Joins 'The View' as Season 20 Co-Host*, The Hollywood Reporter (Aug. 3, 2016), https://www.hollywoodreporter.com/news/general-news/sara-haines-joins-view-as-916914; Meaghan Darwish, *Why Was 'Strahan, Sara, and Keke' Canceled at ABC?*, TVInsider (Aug. 4, 2020), https://www.tvinsider.com/944258/strahan-sara-keke-canceled-abc.

[96] Sara Haines, ABC.com, https://abc.com/cast/59670fc4-d5a9-4101-96bd-7a83d68dbed8 (last visited Apr. 25, 2026) (cast biography).

[97] *Id*.

[98] Laurie Yarnell, *The View's Sunny Hostin Talks Life On and Off the Camera*, Westchester (Sept. 24, 2018), https://westchestermagazine.com/things-to-do/the-view-sunny-hostin-interview.

[99] *Breaking News, Everyone's Watching Sunny Hostin*, Executive Woman Media (Jan. 7, 2015), https://www.executivewomanmedia.com/breaking-news-everyones-watching-sunny-hostin.

[100] About Sunny, Sunny Hostin, https://sunnyhostin.com/abou/ (last visited Apr. 25, 2026).

[101] Sunny Hostin, The State University of New York, https://www.suny.edu/events/eop/sunny-hostin/ (last visited Apr. 25, 2026).

- Ana Navarro joined *The View* as a co-host in 2022, having previously appeared as a guest co-host on several occasions in 2013 and 2018.[102] Ms. Navarro is a Republican political strategist and senior political commentator on CNN. She has advised numerous federal and state campaigns in Florida and nationally. She subsequently worked on Governor Jeb Bush's transition team and served as his first Director of Immigration Policy. Ms. Navarro served as the National Hispanic co-chair and a national surrogate for John McCain's 2008 presidential campaign.[103] She also briefly held the same role for Governor Jon Huntsman's 2012 presidential campaign.[104] She self-identifies as a "lifelong Republican," "a centrist,"[105] and has credited President Ronald Reagan's support for the anticommunist rebels in Nicaragua as her inspiration for becoming a Republican. Ms. Navarro holds a Bachelor in Arts with Majors in Latin American Studies and Political Science from the University of Miami and a Juris Doctorate degree from St. Thomas University.[106]

While *The View* is known for engaging and entertaining banter between its co-hosts, the program also has been widely recognized for the journalistic impact of its content—particularly its interviews with newsmakers, including political candidates. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

Brian Teta is currently the Executive Producer of *The View*. Teta, a highly experienced television producer, joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017. Teta reports to Almin Karamehmedovic, the President of ABC News. As

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[102] Ana Navarro, ABC.com, https://abc.com/cast/8b1e427a-f54f-40a8-91f2-0cbd48dd347c (last visited Apr. 25, 2026) (cast biography).

[103] Ana Navarro-Cárdenas, Carnegie Corporation of New York, https://www.carnegie.org/awards/honoree/ana-navarro-cardenas (last visited Apr. 25, 2026).

[104] Navarro, ABC cast biography, *supra* note 102 .

[105] Ana Navarro, *Ana Navarro: Why I'm voting for Andrew Gillum (a Democrat!)*, CNN (Nov. 3, 2018), https://www.cnn.com/2018/11/02/opinions/why-im-voting-for-andrew-gillum-navarro/index.html.

[106] Ana Navarro, Harvard Kennedy School Institute of Politics (2013), https://iop.harvard.edu/fellows/ana-navarro.

Executive Producer, Teta is responsible for and is the final decision maker with respect to all aspects of the production of *The View*, including the format, content, and participants of the program.[107]

Interview subjects are selected and invited though a booking process overseen by the Executive Producer. The Executive Producer holds a twice-weekly meeting with *The View*'s booking staff to discuss and select potential guests. *The View*'s booking staff generally make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely "pitch" potential guests (e.g., book authors) to *The View*'s booking staff. *The View*'s co-hosts also suggest potential guests. Importantly, however, while he receives this input, the Executive Producer is the sole decisionmaker with respect to the selection of interviewees. He selects potential interview subjects based on newsworthiness, anticipated audience interest, and their potential to "make news" on the show.[108]

After potential interview subjects are selected by the Executive Producer, *The View*'s booking staff contacts the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff will describe in general terms the topics they expect will be covered in the interview. Interview guests are not provided with any guarantees as to what content will be covered or included in the broadcast of the program. Interview guests who agree to appear on the program are scheduled based primarily on the guests' availability and the overall balance of each day's program.[109]

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[107] Declaration of Brian Teta ("Teta Declaration") ¶ 8.

[108] *Id.* ¶ 20.

[109] *Id.* ¶ 27.

Once a guest agrees to appear on the program, a segment producer prepares an outline of potential interview questions. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and the "pre-interview" conducted by the segment producer with the guest and/or the guest's representatives. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC personnel. Final review and approval of the interview outline is conducted by the Executive Producer. Interview guests do not review, edit, or approve the interview outline and are not provided with interview questions in advance of the interview.[110]

The View's co-hosts conduct guest interviews based on the interview outline approved by the Executive Producer, although they may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview (and, at all times during the interview, the show's producers can communicate directions to the co-hosts as needed). While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast. Indeed, most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards. Interview subjects are not given any option to edit or otherwise control the broadcast of the interview, and do not see the final interview until it airs.[111]

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[110] *Id.* ¶ 30.

[111] *Id.* ¶ 33.

B. *The View* Was Properly Determined to Be a Bona Fide News Interview Program in 2002.

Following the Commission's long-established three-part test, the Bureau concluded in 2002 that *The View* is exempt from Section 315(a) of the Act as a bona fide news interview program.[112] That determination has remained unchallenged and unchanged since that time and, to this day, *The View* remains fully qualified for the exemption under the applicable legal standards.

On October 20, 2000, ABC filed a petition for declaratory ruling (the "Petition") with the Commission requesting that the Commission's Mass Media Bureau issue a declaratory ruling that *The View* is a bona fide news interview program and thus exempt from the equal opportunities provision of Section 315(a) of the Act.[113] In the Petition, ABC explained that *The View* planned to invite additional political candidates to appear on the program and thus sought the Commission's formal assurance that the equal opportunities requirements did not apply to *The View*.[114]

The Petition explained that *The View* was co-produced by the ABC Television Network (owned and operated by ABC) and BarWall Productions[115] and described the content and format of *The View*. In addition, the Petition detailed how *The View* satisfied each of the Commission's criteria for exemption as a bona fide news interview program. In addressing the established

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[112] Letter from Robert Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC, to ABC, Inc. (Mar. 1, 2002) ("2002 Declaratory Ruling").

[113] Letter from ABC, Inc., to Bobby Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC (Oct. 20, 2000) (the "Petition").

[114] *Id.*

[115] BarWall Productions is a production company co-founded by Barbara Walters and Bill Geddie.

three-part test for the exemption, ABC first showed that *The View* was regularly scheduled. Second, ABC demonstrated that *The View* was exclusively controlled by its producers and that the producers decided the program's format, content and participants for each segment of the program. Finally, ABC stated that programming decisions were based solely on the producers' good faith judgments regarding newsworthiness and viewer preferences and not for the purpose of supporting or opposing a particular candidate or for any other partisan purpose.[116]

By letter ruling dated March 1, 2002, the Mass Media Bureau granted the Petition without qualification, stating "[b]ased on the record before us, we conclude that the program '*The View*' qualifies for the *bona fide* news interview exemption under Section 315(a)(2)."[117] Accordingly, every appearance by every legally qualified candidate on *The View* since March 1, 2002, (including the Talarico appearance) has been in accordance with a valid and effective formal determination that *The View* qualifies for the bona fide news interview exemption under Section 315(a)(2).[118] Such appearances thus are not deemed to be "uses" of KTRK or any other station. Given that KTRK Television and many other licensees acted in good faith reliance on the explicit ruling provided by the Mass Media Bureau in 2002 and the consistent guidance provided by the Commission since 1984, the Commission cannot find that KTRK Television, or

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[116] Petition.

[117] 2002 Declaratory Ruling.

[118] Even if ABC had not sought and received a formal determination, *The View*, since its inception, has fully qualified for exemption under all of the long-standing criteria for bona fide news interview programs and, as previously noted, the Commission has previously stated that no prior formal declaration is required for a bona fide news exemption to apply. *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

any other licensee, violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.[119]

C. *The View* Remains a Bona Fide News Interview Program Today.

In the 24 years since the Commission issued the 2002 Declaratory Ruling, the format and production processes of *The View* that were previously reviewed have remained the same, notwithstanding changes in hosts and staffing. *The View* continues to meet all three of the factors considered by the Commission in determining whether a program qualifies for the bona fide news interview exemption under Section 315(a)(2): (1) it is regularly scheduled, (2) ABC, through the program's Executive Producer, controls the program, and (3) decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm any individual's candidacy.

i. *The View* is regularly scheduled and is in the same timeslot since it first aired in 1997.

The View has been a regularly scheduled part of ABC Network programming for almost 30 years. Since August 1997, *The View* has been broadcast on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). Over its entire history, *The View* has consistently maintained its 11:00 am ET weekday timeslot. The program takes an annual summer production break for the month of August, during which the ABC Network airs "encore" episodes (*i.e.*, previously aired episodes of *The View*). The show generally resumes production at the end of

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[119] *Star Wireless, LLC v. FCC*, 522 F.3d 469, 473 (D.C. Cir. 2008) (cleaned up) (citation omitted) ("In assessing forfeitures against regulated entities, the Commission is required to provide 'adequate notice of the substance of the rule.' The court must consider 'whether by reviewing the regulation and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.'").

August, and a new season begins the Tuesday after Labor Day. ABC Network intends to maintain this schedule.[120]

ii. ABC continues to control the format, content and participants of *The View*.

As was the case in 2002, *The View* continues to be produced by the ABC Television Network. In this capacity, ABC has ultimate control over all aspects of *The View*, including its format, content and participants.[121] Day-to-day control over *The View* is exercised by the program's Executive Producer who reports to the President of ABC News, which is a division of the ABC Television Network. *The View*'s format, first established by Walters and Geddie, has remained fundamentally unchanged throughout its history. The Executive Producer, and the producers, hosts, and production staff under his supervision, decide the program's content, as well as the participants for each program segment.[122]

The show's production processes ensure that ABC (through the show's Executive Producer and production staff) maintains control over all aspects of the program. With respect to interviews included in the program in particular, as described herein, the Executive Producer and the production staff under his direction control all aspects of the selection of potential interview subjects and the questions asked during interviews in accordance with ABC News standards and practices. The Executive Producer has final review and approval authority over this process. The production process is designed to mitigate the possibility that a candidate can usurp the

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[120] Teta Declaration ¶ 12.

[121] BarWall Productions continues to be credited as a co-producer of the show but, subsequent to Ms. Walter's retirement in 2014 and death in 2022, ABC exercises sole and exclusive responsibility and control over the production.

[122] *Id.* ¶¶ 8, 17.

functions of the program for his or her own purposes or use *The View* as a soapbox.[123] Once taped, the Executive Producer oversees the production process, and interviewees are not provided any opportunity to influence or affect the content of their interview prior to airing during the scheduled timeslot.[124]

iii. Newsworthiness is, as it always has been, the lodestar of programming decisions on *The View*.

The Executive Producer of *The View* bases all decisions related to the format, content, and participants, including interviews of political candidates and other newsmakers, on the good faith judgments of newsworthiness and audience interest and not for the purpose of supporting or opposing any particular candidate or for any other partisan purpose.[125]

It is in ABC's interest to book guests on *The View* who are in the news and who will generate interest among its audience members. Over the past ten years alone, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on *The View*, providing the public with a broad variety of views. Of course, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear. Over the past two seasons, for example, producers have extended

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[123] *Id.* ¶ 17. As explained above, the seasoned co-hosts of *The View* follow the interview outlines approved by the Executive Producer. While they may deviate from the outline at times, they rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, co-hosts wear earpieces as they conduct interviews that allow producers to communicate directions to the co-hosts during the interviews as needed.

[124] The results speak for themselves. *See e.g.*, David Rutz, *Kamala Harris' bungled answer on 'The View' about Biden seen as turning point in campaign*, Fox News (Nov. 7, 2024), https://www.foxnews.com/media/kamala-harris-bungled-answer-the-view-about-biden-seen-turning-point-campaign.

[125] Teta Declaration ¶ 20.

invitations to JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio, each of whom declined the invitation to appear on the program.[126] The critical consideration, however, is not whether the program achieves some government-approved roster of participants but the fact that that the producers' decisions are not motivated by partisan purposes and are instead motivated by the desire to interview the most newsworthy and impactful guests.

The February 2, 2026, appearance of Texas primary candidate for Senate James Talarico is a prime example of *The View*'s pursuit of newsworthy material. Following Representative Jasmine Crockett's January 6, 2026, appearance on *The View*, co-hosts Farah Griffin and Goldberg both suggested to Teta that Talarico, Crockett's leading opponent in the Texas Democratic Primary for United States Senate, should be a potential interview guest. Talarico's candidacy at the time was gaining national attention, including on social media, which informed Teta's judgment that Talarico was a newsworthy subject.[127]

A booking staff member on *The View* reached out to Talarico's campaign with an invitation to appear on the program. After Talarico's campaign accepted the invitation, one of *The View*'s veteran producers (who came to *The View* following stints with *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with the program's standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC personnel before being finally reviewed and approved by Teta. Neither the interview outline nor any of the questions were provided to Talarico or his representatives prior to the interview, the

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[126] *Id.* ¶ 26.

[127] *Id.* ¶ 37. As *The View* is an exempt bona fide news interview program, Talarico's appearance was not made in accordance with any request by the Talarico campaign for "equal time" resulting from Crockett's appearance on *The View* or out of any consideration that he might be entitled to such "equal time."

producers provided no assurances to Talarico or his representatives as to the content of the program, and neither Talarico nor his representatives were provided any opportunity to suggest edits or view the final interview before it aired.[128] Thus, as with all candidate appearances on *The View*, Talarico's appearance was under the control of ABC through the program's Executive Producer and his team. The decision to include Talarico was driven by considerations of newsworthiness and audience interest and not an intent to advance his candidacy.

As that demonstrates, *The View*'s ability to rely on the bona fide news exemption to select interview candidates based on newsworthiness, as it has for over two decades, has advanced Congress's goal of facilitating political discourse on the airwaves. Of course, that may not always mean that *The View* may achieve the Commission's preferred complement of guests or particular views (although, as noted above, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear). But the Commission has expressly disavowed efforts to "second guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion"[129]—as it must since any effort to evaluate the qualification of *The View* as a bona fide news interview program that centered on the identity of the guests that appeared on the program or the views they expressed would be at odds with Congress's decision to exempt bona fide news interview programs from any equal opportunities rule (not to mention the First Amendment). After all, if a program had to provide equal opportunities to qualify for the exemption, then the exemption would be left with no work to do. *The View* thus readily qualifies for the bona fide news exemption, as the Commission has recognized for decades.

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[128] *Id.* ¶¶ 40-41.

[129] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358.

IV. SUBJECTING *THE VIEW* TO THE EQUAL OPPORTUNITIES RULE WOULD VIOLATE THE FIRST AMENDMENT.

A. The Equal Opportunities Rule Cannot Be Applied to *The View* Consistent with the First Amendment.

Even if the bona fide news interview exemption were not broad enough to cover *The View*, the Commission could not apply the equal opportunities rule to *The View* consistent with the First Amendment. While *Red Lion* held the "personal attack" and "political editorial" rules constitutional, this petition involves "a different statute" at "a different point in the development" of broadcast regulation, which suffices to merit "plenary consideration" of this "substantial First Amendment challenge."[130] And, as explained, whatever may be said of the rule at its inception, at this point in time it is fundamentally incompatible with bedrock First Amendment principles.[131] If the rule applied here, it would seemingly require every station broadcasting *The View* to provide airtime to every legally qualified candidate running for office in a particular race in their service areas, without regard to the newsworthiness of the candidate. In large races, like this year's California open gubernatorial primary, this could mean the difference between interviewing the leading candidates in a tight race, or interviewing no candidates at all because fulfilling dozens of demands for free time would overburden the local stations airing *The View*. This "chilling" effect is exactly the result Congress sought to avoid when it adopted the bona fide news exemption.[132] But to the extent Congress failed to provide an exemption broad enough to avoid that result, the rule cannot survive.

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[130] *McCutcheon v. FEC*, 572 U.S. 185, 203 (2014).

[131] *See supra* Part II.

[132] *See supra* note 55 and accompanying text.

In fact, interpreting the bona fide news interview program exemption to exclude shows like *The View* would exacerbate the constitutional problems with the statutory scheme. Treating *The View* differently from other types of exempt programming is both a content and speaker-based distinction. If the exemption is understood to cover only a small universe of purportedly "neutral" and "newsworthy" broadcasts, wide swaths of programming—perhaps even all programs whose format diverges from the *Meet the Press* format referenced by the 1959 Congress that enacted the exemptions—will be penalized based on nothing more than the content and viewpoint of their speech.

Given the inherent value-laden judgments that the FCC must make when determining whether a particular program is newsworthy, the risk that the FCC will use its authority to suppress disfavored content and viewpoints is overwhelming. What is newsworthy to today's FCC may not be newsworthy to the FCC in the next Administration. "It is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual."[133] That caution carries special weight here, given that the Administration has been open about its disapproval of the viewpoints expressed on *The View*.[134] But the government has no legitimate interest in declaring some viewpoints more worthy than others. The bona fide news exemptions would fail any form of

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[133] *Cohen v. California*, 403 U.S. 15, 25 (1971); *cf. Minnesota Voters All. v. Mansky*, 585 U.S. 1, 21-22 (2018) (enforcement of ban on "political" attire in polling places "must be guided by objective, workable standards" because, "[w]ithout them, an election judge's own politics may shape his views on what counts as 'political'").

[134] *See, e.g.*, Dominick Mastrangelo, *White House targets 'The View,' Joy Behar over Trump criticism*, The Hill (July 24, 2025), https://thehill.com/homenews/media/5418270-white-house-the-view-joy-behar-trump-criticism; Sean Burch, *FCC Chairman Bashes 'The View,' Suggests Show Could Have 'Issues'*, The Wrap (July 24, 2025), https://www.thewrap.com/fcc-chairman-bashes-the-view-trump-issues; Joey Nolfi, *White House rips The View cohosts as 'Trump-deranged wackos' over reaction to Jeffrey Epstein files*, Entertainment Weekly (Nov. 20, 2025), https://ew.com/white-house-responds-the-view-jeffrey-epstein-files-11853293.

heightened scrutiny if not construed, consistent with decades of Commission practice, to apply to *The View*. That is all the more reason to conclude that *The View* qualifies for the exemption. But ultimately it does not matter, as the Commission could not subject *The View* to the equal opportunities rule consistent with the First Amendment anyway.

B. This Proceeding is Independently Barred by the First Amendment to the Extent it is Based on the Viewpoints Expressed on *The View*.

Even assuming the equal opportunities rule and its exemptions passed First Amendment muster (they do not), any effort to apply it here would violate the First Amendment to the extent adverse action is a response to the viewpoints expressed on *The View*. The Commission may not wield its enforcement authority "in order to punish or suppress [ABC's] protected expression."[135] The Commission's actions must be based on an objective application of the law and cannot be a response to disfavored content.

"If a coercive campaign is carried out with enough sophistication," it can be difficult to establish that a government official has wielded authority to punish or suppress disfavored speech.[136] In this instance, however, it is not so difficult. Although the *Public Notice* and the SLOI ostensibly avoid commenting on specific content, they both heavily emphasize concerns over the potential partisan purposes of programs.[137] At the same time, numerous statements by senior government officials have singled out *The View* for its allegedly partisan perspective.[138]

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[135] *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 196 (2024).

[136] *Murthy v. Missouri*, 603 U.S. 43, 80 (2024) (Alito, J., dissenting).

[137] *Public Notice* at 1, 3-4.

[138] *See, e.g.*, *NEWS OR NOT? 'The View' under SCRUTINY as FCC Chair Says 'Fake News' Won't Qualify for Exemption*, Fox Business, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=nUTgkRmtlpA&t=269s (statement of FCC Chairman Carr at 5:40-5:51); *FCC chief: These days are OVER*, Fox News Channel, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=gAwYshMVEzw (statement of Chairman Carr at 6:05).

Those statements highlight the dangers of viewpoint-based targeting inherent in giving government functionaries the power to decide which "ideas and beliefs [are] deserving of expression [and] consideration,"[139] *i.e.*, what is "newsworthy." Of course, government officials are free to express their own views about *The View*. But they cannot utilize the coercive powers of the state to punish viewpoints with which they disagree.

Meanwhile, even as the Commission opens formal investigations into *The View*, it has declined to scrutinize other programs or formats, like talk radio. The *Public Notice* was addressed exclusively to daytime and late night talk shows on television, ignoring the landscape of avowedly partisan talk radio shows. It is noteworthy that many stations in KTRK's market aired interviews with select candidates prior to the recent primary election without provoking any apparent interest or inquiries from the Commission.

For example, both KTBB 97.5 FM, Troup, Texas, and WBAP 820 AM, Fort Worth, Texas, air *The Mark Levin Show*, which, on February 16, 2026, featured an interview with Dan Patrick, who is running for re-election for Lieutenant Governor, although neither KTBB nor WBAP has uploaded any documents concerning Patrick's appearance into their 2026 online public inspection files.[140] Similarly, KPRC 950 AM, Houston, Texas, broadcast an interview with Texas Attorney General primary candidate Chip Roy as part of *The Glenn Beck Program* on

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[139] *Turner Broad. Sys.*, 512 U.S. at 641.

[140] *Program Schedules*, KTBB, https://ktbb.com/skeds.php (last visited May 7, 2026); *Weekday Schedule*, WBAP, https://www.wbap.com/weekday-schedule (last visited May 7, 2026); *2/16/26 - Criminalizing Criticism: The Implications of Virginia's Islamophobia Legislation*, Mark Levin Podcast (Feb. 17, 2026), https://podcasts.apple.com/nz/podcast/2-16-26-criminalizing-criticism-the-implications/id209377688?i=1000750065366. *See also* Dan Patrick, Facebook (Feb. 17, 2026), https://www.facebook.com/100044482297495/posts/1469394397886623/?mibextid=wwXIfr&rdid=7s8v5qEcoqrHZAiB# (posting link to *The Mark Levin Show* appearance from Feb. 16, 2026) ("I joined Mark Levin, one of my favorite Fox hosts, on his radio show last night. He surprised me with his endorsement live on the air. It's a great honor to have his support.").

February 18, 2026, without including any documentation of the appearance in its public inspection files.[141] Chip Roy also appeared on the *Guy Benson Show* on February 11, 2026, which airs on several Texas radio stations, including KSEV 700 AM, Tomball, Texas.[142] KSEV (which is owned by Texas Lt. Governor Dan Patrick) likewise did not place any information about this appearance in its public inspection files. While *The Mark Levin Show*, *The Glenn Beck Program*, and the *Guy Benson Show* are all popular, long running radio talk shows, there is no indication that any of them has ever received a Declaratory Ruling that it is a bona fide news interview program.

And yet, the Commission has not made any public announcements that it is investigating *The Mark Levin Show*, *The Glenn Beck Program*, the *Guy Benson Show*, or the licensees of KTBB, WBAP, KPRC, or KSEV. Nor should it. But such a clear disparity in the treatment of broadcasters that ought to be subject to the same treatment under law raises serious concerns about viewpoint discrimination and retaliatory targeting.

To be clear, the Bureau's change in policy and apparent focus on the viewpoints presented in a particular program harms not just ABC's First Amendment rights, but the First Amendment rights of all broadcasters, regardless of their perceived viewpoints. Commentators across the political spectrum have warned about the danger of using the power and influence of the federal government to suppress disfavored views. Indeed, a broad range of voices have begun sounding the alarm that any adverse actions by the FCC will be used by future

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[141] *The Glenn Beck Program*, KPRC, https://kprcradio.iheart.com/featured/glenn-beck (last visited May 7, 2026); *The Glenn Beck Program*, Glenn Beck, https://glennbeck.com/-listen/series/the-glenn-beck-program (last visited May 7, 2026) (program webpage).

[142] *Guy Benson Show*, KSEV, https://ksevradio.com/guy-benson-show (last visited May 7, 2026); *'IT'S ABOUT THEIR POWER': Rep. Chip Roy Breaks down the SAVE America Act*, Fox News Radio (Feb. 11, 2026), https://radio.foxnews.com/2026/02/11/rep-chip-roy-save-america-act.

administrations to censor and punish speech they dislike.[143] Simply put (by Senator Ted Cruz), using the threat of FCC action to chill speech is "dangerous as hell."[144] Similarly, commentator Ben Shapiro opined:

> I do not want the FCC in the business of telling local affiliates that their licenses will be removed if they broadcast material that the FCC deems to be false. Why? Because one day the shoe will be on the other foot. … I know that a lot of people on the Right are saying, "The shoe will never be on the other foot, and if it is, the Left will just do it anyway." But preemptively breaking things because you believe that the Left is going to break the things still makes the things broken — and you can't unbreak them.[145]

The equal opportunities rule has always imposed a suspect First Amendment burden on broadcasters. While the Commission put off a reckoning of that burden for decades through judicious application of the bona fide news exemptions, this case illustrates that the fundamental conflicts remain. In short, for several independent reasons, the First Amendment does not permit the Commission's threatened application of Section 315(a) to *The View*.

V. CONCLUSION.

ABC is committed to full compliance with the Communications Act and the Commission's rules. ABC is likewise committed to serving the public interest by bringing impactful and engaging news and entertainment programming to the communities it serves. That is why ABC sought—and received—a formal determination from the Commission that *The View* is a bona fide news interview program nearly 25 years ago. Even if it had not done so, however,

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[143] *See* Stephen Battaglio, *FCC chair's call for 'equal time' could have chilling effect on TV and radio*, L.A. Times (Jan. 23, 2026), https://www.latimes.com/entertainment-arts/business/story/-2026-01-23/fcc-chairs-call-for-equal-time-could-have-chilling-effect-on-tv-radio (quoting Sean Hannity as stating "We need less government regulation and more freedom. Let the American people decide where to get their information from without any government interference.").

[144] Koch, *Cruz Warns Conservatives*, *supra* note 6.

[145] Shapiro, *Glad Kimmel's Gone*, *supra* note 6.

The View currently qualifies as a bona fide news interview program because it manifestly meets every one of the three factors the Commission and Congress established.

The View, and other shows like it, support the public interest, as Congress envisioned when it adopted the bona fide news exemptions. This goal—giving the public the broadest access to news about political races by permitting broadcasters to cover political news without fear of sanction—is especially critical today. As the 2026 election approaches, the American people need more access to political news and more exposure to political candidates, not less. It is therefore imperative that the Commission act quickly to assure broadcasters that it will uphold its long-established standards protecting broadcasters' good faith news judgment in including political candidates in bona fide news programming. To do anything else—on the eve of an election cycle—would compound the uncertainty and resulting First Amendment chill that the Commission's recent actions have engendered. ABC therefore respectfully requests that the Commission expeditiously affirm that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

Respectfully submitted,

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May 7, 2026

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

DECLARATION OF BRIAN TETA

I, Brian Teta, declare as follows:

1. I am the Executive Producer of *The View*.

2. I have worked as a television producer since 1998.

3. I joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017.

4. Prior to working on *The View*, I was a producer for several other shows, including *The Late Show with David Letterman*, where I was responsible for booking guests for interviews.

5. I am an employee of the ABC News division of American Broadcasting Companies, Inc.

6. I report directly to Almin Karamehmedovic, the President of ABC News.

7. As Executive Producer, I oversee all aspects of the production of *The View* and I am the direct or indirect supervisor of all personnel who work on *The View*, including its producers and co-hosts.

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8. With respect to the day-to-day operations of *The View*, I am the final decision maker for all aspects of the production of *The View*, including the format, content, and participants of the program.

9. *The View* is an ABC Television Network program that has regularly aired since August 1997.

10. The general format of *The View* is a live, one-hour talk show with a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers conducted by the co-hosts.

11. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.

12. *The View* is broadcast by the ABC Network on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). It has maintained this scheduling since its premiere. There are no plans to change this scheduling.

13. Most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards.

14. The program takes an annual summer production break for the month of August, during which the ABC Network broadcasts selected previously aired episodes of the program. *The View* generally resumes production at the end of August, and a new season begins the Tuesday after Labor Day.

15. *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences.

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16. In 2024, *The View* received the DuPont-Columbia Award for journalism for its contributions to the ABC News team's report entitled "The Power of Water."

17. The production process by which interviews are conducted on *The View* is designed to help ensure that I, and the producers, production staff, and co-hosts under my supervision, maintain control over the content of the program in accordance with ABC News standards.

18. Interview subjects for *The View* are selected and invited though a booking process, which I oversee. I hold a twice-weekly meeting with the producers that constitute *The View*'s booking staff to discuss and select potential guests.

19. *The View*'s booking staff make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely contact *The View*'s booking staff to advocate for the inclusion of their clients (often, book authors with a new book to promote). *The View*'s co-hosts also may suggest potential guests.

20. Based on information provided to me and my own experience and knowledge of television production, I select potential interview subjects on the basis of newsworthiness, anticipated audience interest, and the potential to generate newsworthy programming content.

21. I am the sole decisionmaker with respect to the selection of interviewees.

22. I do not select potential interview subjects with the intent to advance or harm any individual's candidacy for any office or any other partisan purpose.

23. After I select potential interview subjects, I communicate those selections to *The View's* booking staff.

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24. The booking staff is responsible for contacting the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff are instructed to describe in general terms the topics they expect will be covered in the interview. Booking staff do not provide potential interview guests with any guarantees as to what content will be covered or included in the broadcast of the program.

25. During my time with *The View*, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on the program.

26. Some individuals that are invited to appear on the program decline the invitation. Over the past two years, individuals that have been invited onto the program but declined the invitation included JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio.

27. Booking staff schedule the interview guests who agree to appear on the program based primarily on the guests' availability and the overall balance of each day's program.

28. Once a guest agrees to appear on the program, one of *The View*'s producers prepares an outline of potential interview questions. That segment producer generally conducts a "pre-interview" meeting with the guest or the guest's representatives to discuss the interview, including the general topics that may be covered. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and information obtained through the "pre-interview."

29. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC News personnel.

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30. All interview outlines are finally reviewed and approved by me. Interview guests do not review, edit, or approve the interview outline and are not provided with the interview questions in advance of the interview.

31. *The View*'s co-hosts conduct guest interviews based on the interview outlines that I approve. The interviews may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, the co-hosts wear in-ear monitors that allow me and other producers to communicate directions to the co-hosts during the interviews as needed. In most cases, I am on set to observe and oversee the interviews.

32. While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast.

33. Interview subjects are not given any option to edit or otherwise influence or control the broadcast of the interview, and do not see the final interview until it airs.

34. Texas primary candidate for Senate Jasmine Crockett appeared on *The View* on January 6, 2026.

35. Texas primary candidate for Senate James Talarico appeared on *The View* on February 2, 2026.

36. After Ms. Crockett's appearance on the program, *The View* co-hosts Farah Griffin and Goldberg suggested to me that Mr. Talarico should be a potential interview guest.

37. In deciding whether to invite Mr. Talarico to appear on *The View*, I considered the facts that, at that time, Talarico's campaign had been receiving national attention and that Talarico had gained a significant following on social media. These factors, along with the newsworthiness

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of the Texas senate primary elections and potential audience interest in Mr. Talarico, informed my judgment that Mr. Talarico was a newsworthy subject. My decision to invite Mr. Talarico to appear on the program was not motivated by any intent to advance or harm any individual's candidacy.

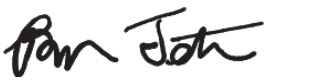
38. A booking staff member on *The View* issued an invitation to the Talarico campaign for Talarico to be interviewed on the program.

39. After the Talarico's campaign accepted the invitation, one of *The View*'s producers (who previously worked for *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with our standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC News personnel before I reviewed it and gave final approval.

40. Neither I, nor any of the producers or staff under my supervision, provided the interview outline or any of the prepared questions to Mr. Talarico or his representatives prior to the interview. Neither I, nor any of the producers or staff under my supervision, provided any assurances to Mr. Talarico or his representatives as to the content of the program.

41. Neither I, nor any of the producers or staff under my supervision, provided Mr. Talarico or his representatives with any opportunity to suggest edits or view the final interview before it aired.

I declare, under penalty of perjury, that, to the best of my information, knowledge, and belief, which includes knowledge based on information provided to me by others, that the foregoing is true and correct.



Brian Teta

Executed on: May 7, 2026

Doc ID: c947f0279c4a8eec6f858d7b31b59413d3bd3917

Kristi Thompson

From: NAB Leadership Foundation <nab@e.nab.org>
Sent: Tuesday, June 16, 2026 1:31 PM
To: Allison Howell
Subject: [EXTERNAL]: Thank You for Joining Us at the Celebration of Service to America Awards

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Celebration of SERVICE TO AMERICA AWARDS
PRESENTED BY THE NAB LEADERSHIP FOUNDATION

Dear Allison,

Thank you for joining us at the **2026 Celebration of Service to America Awards** to recognize the extraordinary community impact made by local television and radio stations across the country.



Pictured here: At the podium is WCVB News Director Margaret Cronan accepting the First Informer award for her station's work covering the Brown University shooting incident. In the background is Sen. Ed Markey (MA), who presented the honor to the WCVB team.

We invite you to relive the evening and share your favorite moments with us on social media. Tag **@nableadershipfoundation** on Linkedin or **@nab_foundation** on Instagram.

DOWNLOAD EVENT PHOTOS HERE

Supporting the Future of Broadcasting

While the Celebration of Service to America Awards recognizes the remarkable work of local broadcasters today, the **NAB Leadership Foundation** is focused on ensuring the industry has capable leaders for tomorrow.

Please consider **making a tax-deductible donation** towards our training and leadership programs for the next generation of broadcasters.

OUR IMPACT

Thanks to your support, the NAB Leadership Foundation has sent over **1,841** participants through our collegiate, managerial, and executive level programs.

SUPPORT THE NEXT GENERATION OF BROADCASTERS

168 former NABLF program participants are **current** general managers, owners, presidents, or c-suite at broadcast stations, groups or vendors.

DID YOU HIRE A GRADUATE FROM ONE OF OUR PROGRAMS?



20+ Alumni

Gray Media • Hearst

10+ Alumni

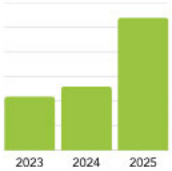
Urban One • Fox Television Stations
Cox Media Group • E.W. Scripps
TEGNA • Morgan Murphy Media

5+ Alumni

iHeartMedia • TelevisaUnivision • Nexstar
The Walt Disney Company • Sinclair • Graham Media Group • CBS News and Stations
Bonneville • Audacy • Paramount • Cumulus Media • Circle City Broadcasting

*as of April 2026

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Kristi Thompson

From: Alexander Sanjenis
Sent: Thursday, May 28, 2026 8:37 PM
To: Allison Howell; Anthony Patrone; Greg Watson
Cc: David Brown; Chris Robbins; Evan Morris
Subject: ABC Renewals Update

Follow Up Flag: Follow up
Flag Status: Flagged

All of the renewal applications have been filed. Each callsign links to the facility page where you can see the renewal application on the right and see that the expiration dates are all reset to the regular expiration date.

KFSN-TV, Fresno, CA

KABC-TV, Los Angeles, CA

KGO-TV, San Francisco, CA

WLS-TV, Chicago, IL

WABC-TV, New York, NY

WTVD, Durham, NC

WPVI-TV, Philadelphia, PA

KTRK-TV, Houston, TX

Kristi Thompson

From: Will Wiquist
Sent: Thursday, May 21, 2026 2:01 PM
To: Greg Watson; Allison Howell
Cc: Katie Gorscak; Katie McAuliffe; Adam Jackman
Subject: Associated Press re: Gomez AP Interview on Media Issues

The AP interviewed Commissioner Gomez yesterday regarding Disney etc. They are asking if we have any comment. Their deadline is 2pm tomorrow.

(b) (5) [redacted]

From: Sloan, Steven <SSloan@ap.org>
Sent: Thursday, May 21, 2026 11:51 AM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: From AP/Gomez interview

Hello,
Steven Sloan with the AP here — hope you're doing well.
Touching base because I did an interview yesterday with Commissioner Gomez for a Q&A-style story. We talked about her recent letter to Disney and her broader criticism of the FCC and activity by the agency that she says violates the First Amendment.
This is mostly what she has already said publicly but I wanted to be in touch to see if Chairman Carr would like to offer any response. You're welcome to respond here or on my cell: (202.841.8333).
My deadline is **2p ET tomorrow (Friday)**. I'm on a flight much of this afternoon but should have access to email/text and am available at any point ahead of my deadline tomorrow.
Thanks much,

Steven Sloan
Washington correspondent, The Associated Press
202.841.8333

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Kristi Thompson

From: Connor Glisson
Sent: Monday, June 1, 2026 4:09 PM
To: Greg Watson; Allison Howell; Anthony Patrone
Subject: DRAFT Response to Sen. Markey 5.7.26 Letter
Attachments: DRAFT Markey Response 6.1.26.docx

Attached is a draft response to Sen. Markey's May 7, 2026, Letter on the Disney Early Renewal Order. (b) (5) [redacted]

Best,

Connor Glisson
Director, Office of Legislative Affairs
Federal Communications Commission
connor.glisson@fcc.gov | 202-418-2064

Kristi Thompson

From: Sima Nilsson
Sent: Friday, April 24, 2026 3:49 PM
To: Allison Howell
Cc: Alexander Sanjenis; Maria Mullarkey; Katie Costello; William Durdach
Subject: For your review: Federal Register Summary of TV Ratings PN
Attachments: TV Ratings PN FR summarydraft 4.23.2026.docx; DA-26-392A1.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Allison,

Attached is the draft Federal Register summary for the TV ratings PN. We have included the PN as well, for your reference.

Best,
Sima

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 26-392
Released: April 22, 2026

FCC'S MEDIA BUREAU SEEKS COMMENT ON FURTHER EMPOWERING PARENTS TO PROTECT THEIR CHILDREN AND MAKE INFORMED CHOICES ABOUT THE TV PROGRAMS THEIR CHILDREN WATCH

MB Docket No. 19-41

Comments Due: May 22, 2026
Reply Comments Due: June 22, 2026

Over the years, Congress and the FCC have acted to empower parents to determine the type of television programming that is appropriate for their children. Indeed, in 1996, Congress found that television programming has a "uniquely pervasive presence in the lives of American children" and "influences children's perceptions of the values and behavior that are common and acceptable in society."[1] Congress then determined that parents should be provided with timely information about the nature of upcoming video programming and have the ability to block violent, sexual, or other programming that parents believe is harmful to their children.[2]

In passing this legislation, Congress provided the relevant television and video programming industries with an option. They could establish their own voluntary system for rating video programming or the Commission could establish a ratings system itself. Industry representatives chose to set up their own voluntary system, and the Commission in 1998 found that industry's approach met the relevant statutory criteria.[3] As a result, industry established the TV Oversight Management Board (TVOMB),[4]

[1] *See* Telecommunications Act of 1996, Pub. L. No. 104-104, § 551, 110 Stat. 56, 139 (1996) (Telecommunications Act).

[2] Congress specifically excluded ratings based on political or religious content. *Id*. at § 551.

[3] *See Implementation of Section 551 of the Telecommunications Act of 1996, Video Programming Ratings*, Docket No 97-55, Report and Order, 13 FCC Rcd 8232 (1998); Telecommunications Act, § 551(e)(1) (giving the Commission authority to establish a ratings system if program distributors failed, after one year from the enactment date, to develop a voluntary rating system acceptable to the Commission). Concomitantly, the Commission adopted an order implementing requirements for V-chip technology, which allows parents to block material based on its rating. *See Technical Requirements to Enable Blocking of Video Programming Based on Program Ratings, Implementation of Sections 551(c), (d), and (e) of the Telecommunications Act of 1996*, ET Docket No. 97-206, Report and Order, 13 FCC Rcd 11248 (1998).

[4] The TVOMB was intended to "provide information to producers and other program distributors concerning the [TV Parental] Guidelines, as well as address complaints and requests from the public about the Guidelines and their implementation." *Implementation of the Consolidated Appropriations Act of 2019; Report on Television Ratings and The Oversight Monitoring Board*, MB Docket No. 19-41, Report, 34 FCC Rcd 3205, 3207, para. 7 (MB 2019) (2019 Report). There are up to 24 members of the TVOMB at any given time: the chairman (a position held by the head of the Motion Picture Association of America (MPAA), National Cable Television Association (now called NCTA – The Internet and Television Association) (NCTA), or the National Association of Broadcasters (NAB) on a

(continued….)

and developed the TV Parental Guidelines age ratings system that prevails today.[5] The voluntary TV Parental Guidelines overseen by the TVOMB, if properly implemented, can be useful to ensure parents are adequately informed about video programming on television that their children may be exposed to.

The industry's system allows for the display of specific ratings for programs. Programs that are designed to be appropriate for all children, including very young ones, are rated TV-Y. Programs that are designed to be appropriate for children age 7 and above are rated TV-Y7. Programs that are not specifically designed for children but are nonetheless suitable for all ages are rated TV-G. The industry's system also includes ratings for TV-PG, TV-14, and TV-MA. The TV Parental Guidelines also allow content descriptors to be included with the rating, including descriptors to let parents know that programs have sexually suggested dialog (D), fantasy violence (FV), coarse or crude language (L), sexual situations (S), and / or violence (V).[6] The 1996 law also required TV manufacturers to develop technology that allows parents to block material rated as violent, sexual, or otherwise flagged by the ratings system.[7]

Today, both the traditional broadcast TV sector, multichannel video programming distribution services (MVPDs) (i.e. cable and satellite), and streaming platforms use the voluntary ratings system. In recent years, however, significant concerns have been raised about the ratings system. For instance, commenters have raised concerns with the FCC about the accuracy of the ratings, the appropriateness of the ratings, and a shift or ratings creep in which mature, adult, or inappropriate content is being rated as appropriate for young children.[8] The FCC wants to ensure that the ratings system continues to serve the purpose that Congress had in mind—empowering parents to make informed decisions for their children.

Recently, parents have raised concerns that controversial gender identity issues are being included or promoted in children's programs without providing any disclosure or transparency to parents. Specifically, the industry guidelines that parents rely on are rating shows with transgender and gender non-binary programming as appropriate for children and young children, and doing so without providing this information to parents, thereby undermining the ability of parents to make informed choices for their families. Consistent with Congress's vision for the ratings system, we seek comment on whether the industry's approach is continuing to provide the information that is relevant to parents today.

By passing the relevant legislation in 1996, Congress acted to protect the right of parents to decide when and how to discuss mature topics with their children, and to know if and when their children are being exposed to these topics in their TV viewing. Accordingly, we seek comment here on any changes that can or should be made to the current ratings system to ensure that it is responsive to the issues that parents confront today. This includes any changes that may make sense for the TVOMB to

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rotating basis), up to 18 industry representatives from the broadcast, cable and creative communities, and five non-profit members. *Id*. at 3208, para. 9. The TVOMB website currently identifies the following 16 entities as representatives: A+E Networks, AMC Networks, American Academy of Pediatrics, Boys & Girls Club of America, Entertainment Industries Council, Fox Corporation, MPAA, NAB, National PTA, NBCUniversal, NCTA, Paramount, TelevisaUnivision, The Walt Disney Company, and Warner Bros. Discovery. *See Abouts Us*, TV Parental Guidelines Monitoring Board, https://www.tvguidelines.org/aboutUs.html. Thus, of the 16 members, half are media companies, and 4 are trade associations funded by media companies.

[5] *Understanding the TV Ratings and Parental Controls*, TV Parental Guidelines Monitoring Board, https://www.tvguidelines.org/resources/TV_Parental_Guidelines_Brochure.pdf. *See FCC, V-Chip*: Putting Restrictions on What Your Children Watch, https://www.fcc.gov/consumers/guides/v-chip-putting-restrictions-what-your-children-watch.

[6] *Understanding the TV Ratings and Parental Controls*, TV Parental Guidelines Monitoring Board, https://www.tvguidelines.org/resources/TV_Parental_Guidelines_Brochure.pdf.

[7] Telecommunications Act, § 551.

[8] *See generally 2019 Report*, 34 FCC Rcd at 3210-11, paras. 15-17.

ensure that it is representative of a range of family values. We also ask how ratings can be applied consistently across broadcast, MVPDs, and streaming platforms.

Under the Consolidated Appropriations Act of 2019, Congress asked the Commission to report on the accuracy of the voluntary rating system and on the ability of the TVOMB to oversee the ratings system and address public concerns.[9] Following public notice and comment,[10] the Media Bureau submitted a report (2019 Report)[11] to the Committees on Appropriations of the House and Senate.

Accessibility and Transparency of TVOMB. In the 2019 Report, the Bureau made the following suggestions for Board and industry consideration related to increasing accessibility and transparency to the public and increasing awareness of the Board's role:[12]

- TVOMB should increase efforts to promote public awareness of TVOMB and its role in overseeing the rating system. As part of this suggestion, the Bureau urged TVOMB and industry to increase outreach efforts concerning the existence of the rating system and to consider additional ways to publicize the ability of the public to file complaints with TVOMB and provide instructions on how to file complaints.

- TVOMB should consider ways to inform the public of the number of complaints it receives, the nature of the complaints, the program and network or producer involved, and any action taken by TVOMB or the industry in response to the complaints. The Bureau noted that the Board could consider issuing an annual report on the complaints it has received, how they were adjudicated, and whether they led to the rating of a program being changed for future airings.

- TVOMB should hold at least one public meeting annually to seek direct public input.

Accuracy of TV Ratings System. The Bureau also made the following suggestions with regard to the accuracy of the ratings being applied pursuant to the TV Parental Guidelines:[13]

- TVOMB should consider random audits or spot checks to analyze the accuracy and consistency of the ratings in addition to the survey data it already collects.

- TVOMB should use this combined data to determine if any changes are needed to the ratings system to ensure they are as helpful as possible to viewers.

We seek comment on whether and how the Bureau's suggestions, both regarding increased transparency of the TVOMB and accuracy of TV ratings, have been implemented.[14] How does the

[9] *See* Consolidated Appropriations Act, 2019, Pub. L. No. 116-6, Explanatory Statement (H.R. Rep. No. 116-9, Division D, Title V, p. 673 (Conf. Rep.)), 133 Stat. 13 (2019). The explanatory statement in the Act provides: "The FCC is directed to report to the Committees on Appropriations of the House and Senate within 90 days of enactment of this Act on the extent to which the rating system matches the video content that is being shown and the ability of the TV Parental Guidelines Oversight Monitoring Board to address public concerns." *Id*.

[10] *See Media Bureau Seeks Comment on the TV Ratings System and the Oversight Monitoring Board*, MB Docket. 19-41, Public Notice, 34 FCC Rcd 920 (MB 2019).

[11] *See generally 2019 Report*, 34 FCC Rcd at 3205, para. 1.

[12] *Id*. at 3217-18, paras. 31-33.

[13] *Id*. at 3218-19, para. 35.

[14] We note that the TVOMB has issued annual reports from 2019 to 2025, *see TV Parental Guidelines Monitoring Board Releases 2025 Annual Report,* TV Parental Guidelines Monitoring Board, Press Release (Mar. 31, 2026), (continued….)

TVOMB engage with the public and are the steps taken sufficient? Is the composition of the board sufficiently balanced to represent a broad range of stakeholders outside of the entertainment industry? What more could the board do to include family-oriented perspectives—which are not well represented in the media industry—in its ratings process? Should additional faith-based organizations be represented on the TVOMB?[15] Does the current complaint process provide for meaningful public participation?

Is the general public aware of the ratings system and how to provide feedback to the TVOMB? Is the general public aware that the V-chip can be used with the ratings system to block unwanted video programming from reaching children? Do descriptions of the content provide a sufficient basis for parents to make informed decisions concerning viewing decisions for their family, including when gender identity themes are discussed or displayed?

Are parents aware that children watching programs rated TV-Y, TV-Y7, and TV-G may contain the discussion or promotion of gender identity themes?[16] Should such programming be rated differently or contain relevant descriptions so that parents can make informed decisions?

Is there disparity in ratings among different viewing platforms; i.e., is the same program consistently rated when it airs on broadcasting, MVPDs, and streaming platforms? Are streaming platforms more broadly interpreting what is allowable in categories intended for audiences under TV-Y14? Is objectionable content rated consistently across various programmers? For example, do different networks rate explicit language, suggestive language, and violent programming similarly, or are some networks prone to provide a lesser rating than others?

We seek comment on whether outreach efforts have been successful in providing parents with the information necessary to use the guidelines effectively and to provide feedback to the TVOMB.[17]

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https://www.tvguidelines.org/resources/Release_033126.pdf, and has made efforts to develop best practices for the application of parental guidelines to streaming services. *See Ratings Best Practices Guidance for Streaming Services*, TV Parental Guidelines Monitoring Board, (2024) https://www.tvguidelines.org/resources/RatingsBestPracticesGuidanceForStreamingServices_2024.pdf.. The most recent annual report identified only 11 pieces of public correspondence relevant to the board's work, four of which involved streaming services. Spot checks revealed only two instances that required ratings changes. *See Annual Report 2025,* TV Parental Guidelines Monitoring Board https://www.tvguidelines.org/resources/TV_Parental_Guidelines_2025AnnualReport.pdf.

[15] *See, e.g., Statement on Overcoming the Exploitation of Sex and Violence in Communications from the U.S. Catholic Bishops*, https://www.usccb.org/issues-and-action/renewing-mind-media-sex-violence-exploitation (stating that "prominent creative people have indicated reservations about the suitability for their own families of a good deal of what they see and hear today, even among their own creations").

[16] TV-Y rated programming is "designed to be appropriate for all children. Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2-6. This program is not expected to frighten younger children." TV-Y7 programming is "designed for children age 7 and above. It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children. TV-Y7-FV rated programs include "fantasy violence [that] may be more intense or more combative than other programs in the TV-Y7 category." See *Understanding the TV Ratings and Parental Controls*, TV Parental Guidelines Monitoring Board, https://www.tvguidelines.org/resources/TV_Parental_Guidelines_Brochure.pdf.

[17] We note that the most recent annual report, identified only 12 pieces of public correspondence relevant to the board's work, six of which involved streaming services. Spot checks revealed only three instances that required ratings changes. *See Annual Report 2025,* TV Parental Guidelines Monitoring Board https://www.tvguidelines.org/resources/TV_Parental_Guidelines_2025AnnualReport.pdf.

Commenters should identify the specific recommendation from the 2019 Report about which they are commenting. Comments should include any surveys or data used to support the comments.

Filing Requirements - Comments and Replies. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.fcc.gov/ecfs.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**

    - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

    - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

    - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[18] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation.

If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). Written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must, when feasible, be filed through the electronic comment filing system in the docket established for this proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the

[18] 47 CFR § 1.1206.

Consumer and Governmental Affairs Bureau at (202) 418-0530.

Availability of Documents. Comments, reply comments, and ex parte submissions will be publicly available online via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

-- FCC --

Kristi Thompson

From: Connor Glisson
Sent: Monday, May 11, 2026 12:07 PM
To: Allison Howell
Subject: Fw: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members
Attachments: Chairman Carr's 4.29.25 Response to E&C Dems 3.31.25 Letter.pdf; E&C Dems Incoming Letter 3.31.25.pdf

Connor Glisson
Director, Office of Legislative Affairs
Federal Communications Commission
connor.glisson@fcc.gov | 202-716-6335

From: Jim Balaguer <Jim.Balaguer@fcc.gov>
Sent: Thursday, May 7, 2026 11:23 AM
To: Connor Glisson <Connor.Glisson@fcc.gov>
Subject: RE: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

Sure thing. (b) (5) [redacted]

From: Connor Glisson <Connor.Glisson@fcc.gov>
Sent: Thursday, May 7, 2026 11:08 AM
To: Jim Balaguer <Jim.Balaguer@fcc.gov>
Subject: Re: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

Thank you. (b) (5) [redacted]

From: Jim Balaguer <Jim.Balaguer@fcc.gov>
Sent: Thursday, May 7, 2026 10:54 AM
To: Connor Glisson <Connor.Glisson@fcc.gov>
Subject: FW: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

FYI (b) (5) [redacted]

From: Jim Balaguer
Sent: Friday, May 1, 2026 5:51 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

FYI – Letter from E&C Ranking Member Pallone, O&I Ranking Member Clarke and CT Ranking Matsui posing questions on the FCC Media Bureau's order regarding Disney TV licenses renewal proceeding.

The letter includes the following series of questions and document requests, no later than May 14, and includes a previous letter from March 31.

1. Explain and provide all documents related to your decision to order the early license renewal of Disney ABC stations. Include in your explanation and production of documents how this proceeding would "ensure that the broadcaster has been meeting its public interest obligations" and what, if any, issues you purportedly identified in your ongoing investigation of Disney that are somehow relevant to upholding the "public interest" or any other FCC authority.

2. Explain and provide all documents related to your decision to reverse long-standing FCC policy and subject daytime and late-night talk shows to the equal time rule. Include in your explanation and production of documents the rationale behind issuing this change without formal rulemaking, which is open to public comment.

3. Specifically describe and provide documentation of any complaints raised about the interview on "The View" with James Talarico that led to your investigation of potential violation of the equal time rule. Also provide all other documentation related to your investigation to date. Include in your response which other eligible candidates, if any, requested and were refused equal time by the broadcaster. To the extent that there were no candidates that were refused equal time, describe the basis of your investigation and what authority you believe the FCC has to conduct this investigation.

4. Provide any communications with CBS or its affiliates regarding the interview of James Talarico on "The Late Show with Stephen Colbert."

5. Explain your interpretation of the "public interest standard" you frequently cite and the FCC's authority to enforce your interpretation of such standard.29 Provide all documentation regarding your interpretation and purported authority, including memoranda and communications.

6. Explain what criteria you purport to use to determine whether a program is "motivated by a partisan purpose" and provide all documentation regarding these criteria including related memoranda and communications

7. Provide all records related to travel to Trump's personal residence in Florida including itineraries for that travel, participants in meetings held at Trump's personal residence, detailed receipts of all associated costs paid or reimbursed by the FCC, and any formal or informal ethics advice that was provided related to such travel.

Finally, preserve all documents and records potentially responsive to the issues and requests raised in this letter and in our letter of March 31, 2025, including text messages, emails, and digital and physical documents. This preservation request applies to existing and future materials that are responsive to these requests, including those that would otherwise be automatically deleted.

From: McAuliffe, Will <Will.McAuliffe@mail.house.gov>
Sent: Thursday, April 30, 2026 2:29 PM
To: Jim Balaguer <Jim.Balaguer@fcc.gov>
Cc: Desai, Parul <Parul.Desai@mail.house.gov>; O'Connor, Constance <Constance.OConnor@mail.house.gov>; Alethea Lewis <Alethea.Lewis@fcc.gov>
Subject: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

You don't often get email from will.mcauliffe@mail.house.gov. Learn why this is important

Mr. Balaguer,

Please find attached correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Member Pallone, Subcommittee on Oversight and Investigations Ranking Member Clarke, and Subcommittee on Communications and Technology Ranking Member Matsui.

Please confirm receipt at your earliest convenience and let us know if you have any questions.

Best,
Will

Will McAuliffe
Chief Counsel
Subcommittee on Oversight and Investigations
House Committee on Energy and Commerce Democrats

Mobile/Signal: (b) (6)
E&C Democrats Whistleblower Tipline

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Brendan Carr
Chairman

April 29, 2025

The Honorable Yvette D. Clarke
Ranking Member
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

RE: March 31, 2025 Letter to FCC

Dear Ranking Member Clarke,

Thank you for your March 31, 2025, letter to the Federal Communications Commission (FCC). Throughout the previous Administration, communications laws and FCC processes were repeatedly weaponized for political purposes. As Chairman, I am focused on restoring the FCC's commitment to basic fairness and even-handed treatment for all. In particular, I am working to ensure that everyone appearing before the agency gets a fair shake from their government, regardless of political affiliation.

My commitment on this front represents a departure from the years when peoples' politics often determined the answers they received from the FCC. If they were aligned with the previous Administration, then they would receive favorable and special treatment on a streamlined basis. If they were not, then they got the opposite treatment, including having previous FCC awards revoked for political reasons.

Your letter provides me with a welcome opportunity to correct some misconceptions regarding the FCC's work. Specifically, your letter suggests the FCC is treating a petition involving a CBS TV station differently than one involving a Fox TV station.[1] But that is not the case at all. Under my leadership, the FCC has merely followed agency precedent. We are putting the relevant complaint on the same procedural footing that the previous FCC found appropriate.

As you may recall, in 2023, a group filed a petition with the FCC asking the agency to take the broadcast license away from a Fox broadcast TV station in Philadelphia because the

[1] *See* Center for American Rights, Petition to Condition Grant by the Center for American Rights, MB Docket No. 25-73 (filed Dec. 16, 2024); The Media and Democracy Project, Milo Vassallo, John McGinty, Peter Lems, Chenjerai Kumanyika, and Bill Hartman, Petition to Deny, LMS File No. 0000213362 (filed July 3, 2023).

petitioners did not agree with the content that they argued was carried on a separate cable channel.[2] Despite the Fox petition failing to satisfy basic pleading requirements, the FCC chose to move forward. The previous FCC determined that it was in the public interest to entertain the filing and issued a public notice seeking comment on the Fox petition.[3]

The previous FCC then left the Fox proceeding open for more than a year, and it received about 200 comments from the public. The FCC did not dismiss or deny the Fox petition when the public comment cycle ended either. Instead, it waited through the entire 2024 election cycle to dismiss the petition against the Fox broadcast TV station.

However, the previous FCC took a different approach entirely when it came to the CBS petition.[4] Unlike the Fox petition, the Biden FCC just summarily dismissed the CBS one. Unlike the Fox petition, the Biden FCC did not seek public comment on the CBS petition. And unlike the Fox petition, the Biden FCC did not establish a record on the CBS one before issuing its decision. Instead, at the eleventh hour, the Biden FCC simply dismissed the CBS petition. It is not clear why previous FCC leadership dismissed the CBS complaint without nearly the same level of process that it applied to the Fox petition. Under my leadership, the FCC is seeking comment on the CBS petition, just as the prior FCC did on the Fox petition. In other words, the FCC is treating like cases alike and following the precedent set by the agency. That is the very definition of even-handed treatment.

Again, this is a marked contrast from the weaponization that prevailed during the Biden years. During the previous Administration, Democrats regularly weaponized their authority against their perceived political opponents, including running a campaign to pressure cable companies into dropping what they described as "Right-wing media outlets,"[5] pressuring the FCC to block the sale of a Spanish-language radio station in South Florida for purely political reasons,[6] the unprecedented failure to process hundreds of routine Sinclair license renewals that came up in 2021, 2022, 2023, and 2024, and a multi-month campaign to jawbone social media companies into censoring their political opponents as well as books, videos, posts, and other online content.

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[3] *See Commission Announces Permit-But-Disclose Ex Parte Status and Establishes MB Docket No. 23-293 for Application for Renewal of License of WXTF-TV, Philadelphia, Pennsylvania*, Public Notice, MB Docket No. 23-293, DA 23-752 (MB, Aug. 23, 2023).

[4] *See* Letter from Peter S. Hyun, Acting Bureau Chief, Enforcement Bureau, Federal Communications Comm'n, to Daniel R. Suhr, President, Center for American Rights (Jan. 16, 2025); *Re: Preserving the First Amendment*, GN Docket No. 25-11, (GN, Jan. 16, 2025).

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[6] *See* Adrian Carrasquillo, *Hispanic Caucus Members Pressure FCC to Scrutinize Miami Radio Station Sale*, Newsweek, (Apr. 14, 2021), https://www.newsweek.com/hispanic-caucus-members-pressure-fcc-scrutinize-miami-radio-station-sale-1583890.

In doing so, the previous Administration established a two-tiered approach. Take, for example, the Biden FCC's decision to create a special Soros shortcut to expedite the acquisition of hundreds of broadcast licenses.[7] Never before had the Commission voted to approve the transfer of a single broadcast license—let alone the transfer of broadcast licenses for over 200 radio stations across more than 40 markets—without following the requirements and procedures codified in federal law. Not once. And yet the Commission broke that new ground without seeking public comment on altering our established regulations, without actually changing the rules on the books, and without seeking the feedback of other federal agencies with relevant equities. This is not the type of relief that the Biden FCC provided to parties unconnected to Soros.

The list of Biden-era weaponization goes on and on. But at the FCC we are now putting those days in the rearview mirror. We are ensuring that everyone receives fair and even-handed treatment from the FCC.

I appreciate the opportunity to respond to your letter.

Sincerely,

Brendan Carr
Chairman

[7] *See Audacy License, LLC, as Debtor-in-Possession (Assignor) and Audacy License, LLC (Assignee)*, Memorandum Opinion and Order, FCC 24-94 (rel. Sept. 30, 2024).

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Brendan Carr
Chairman

April 29, 2025

The Honorable Doris Matsui
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

RE: March 31, 2025 Letter to FCC

Dear Ranking Member Matsui,

Thank you for your March 31, 2025, letter to the Federal Communications Commission (FCC). Throughout the previous Administration, communications laws and FCC processes were repeatedly weaponized for political purposes. As Chairman, I am focused on restoring the FCC's commitment to basic fairness and even-handed treatment for all. In particular, I am working to ensure that everyone appearing before the agency gets a fair shake from their government, regardless of political affiliation.

My commitment on this front represents a departure from the years when peoples' politics often determined the answers they received from the FCC. If they were aligned with the previous Administration, then they would receive favorable and special treatment on a streamlined basis. If they were not, then they got the opposite treatment, including having previous FCC awards revoked for political reasons.

Your letter provides me with a welcome opportunity to correct some misconceptions regarding the FCC's work. Specifically, your letter suggests the FCC is treating a petition involving a CBS TV station differently than one involving a Fox TV station.[1] But that is not the case at all. Under my leadership, the FCC has merely followed agency precedent. We are putting the relevant complaint on the same procedural footing that the previous FCC found appropriate.

As you may recall, in 2023, a group filed a petition with the FCC asking the agency to take the broadcast license away from a Fox broadcast TV station in Philadelphia because the

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petitioners did not agree with the content that they argued was carried on a separate cable channel.[2] Despite the Fox petition failing to satisfy basic pleading requirements, the FCC chose to move forward. The previous FCC determined that it was in the public interest to entertain the filing and issued a public notice seeking comment on the Fox petition.[3]

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However, the previous FCC took a different approach entirely when it came to the CBS petition.[4] Unlike the Fox petition, the Biden FCC just summarily dismissed the CBS one. Unlike the Fox petition, the Biden FCC did not seek public comment on the CBS petition. And unlike the Fox petition, the Biden FCC did not establish a record on the CBS one before issuing its decision. Instead, at the eleventh hour, the Biden FCC simply dismissed the CBS petition. It is not clear why previous FCC leadership dismissed the CBS complaint without nearly the same level of process that it applied to the Fox petition. Under my leadership, the FCC is seeking comment on the CBS petition, just as the prior FCC did on the Fox petition. In other words, the FCC is treating like cases alike and following the precedent set by the agency. That is the very definition of even-handed treatment.

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In doing so, the previous Administration established a two-tiered approach. Take, for example, the Biden FCC's decision to create a special Soros shortcut to expedite the acquisition of hundreds of broadcast licenses.[7] Never before had the Commission voted to approve the transfer of a single broadcast license—let alone the transfer of broadcast licenses for over 200 radio stations across more than 40 markets—without following the requirements and procedures codified in federal law. Not once. And yet the Commission broke that new ground without seeking public comment on altering our established regulations, without actually changing the rules on the books, and without seeking the feedback of other federal agencies with relevant equities. This is not the type of relief that the Biden FCC provided to parties unconnected to Soros.

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I appreciate the opportunity to respond to your letter.

Sincerely,



Brendan Carr
Chairman

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Brendan Carr
Chairman

April 29, 2025

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

RE: March 31, 2025 Letter to FCC

Dear Ranking Member Pallone,

Thank you for your March 31, 2025, letter to the Federal Communications Commission (FCC). Throughout the previous Administration, communications laws and FCC processes were repeatedly weaponized for political purposes. As Chairman, I am focused on restoring the FCC's commitment to basic fairness and even-handed treatment for all. In particular, I am working to ensure that everyone appearing before the agency gets a fair shake from their government, regardless of political affiliation.

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I appreciate the opportunity to respond to your letter.

Sincerely,



Brendan Carr
Chairman

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BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

March 31, 2025

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Chairman Carr:

We write to express deep concern over your actions to target and intimidate news organizations and broadcasters in violation of the First Amendment.[1] These troubling actions assault the Constitutionally protected freedom of the press and violate the Federal Communications Commission's (FCC) statutory prohibition against engaging in censorship.[2] Moreover, directing FCC staff to devote time and resources to bogus investigations constitutes a violation of the law, gross mismanagement, extreme waste of funds, and an abuse of authority. Therefore, we are also sharing a copy of this letter with the FCC's Office of Inspector General and are recommending that it open an investigation.[3]

Since assuming the role of Chairman on January 20, 2025, you have weaponized the agency against news outlets by not only questioning the speech and expressive conduct of targeted entities but also by abusing your power to formally accuse these speakers of wrongdoing. These actions are in flagrant disregard of the statutory jurisdiction of the Commission, lack any evidence of actual violations, and are conducted with apparent willful ignorance of FCC practice and legal precedent.

As you know, the FCC is an independent government agency, overseen by Congress, with authority to regulate interstate and international communications and related technologies. Your partisan goals are transparent and inappropriate, particularly given your previous experience as FCC General Counsel. You have launched sham investigations into entities disfavored by President Trump, Elon Musk, and the Republican Party to censor journalists and news coverage. In the absence of actual agency authority and any real evidence of wrongdoing, your pursuit of

[1] U.S. Const. amend. I.

[2] 47 U.S.C. § 326.

[3] *Id.*

these actions is clearly intended to punish and burden broadcasters and other media companies by inflicting incalculable reputational harm and excessive costs to defend themselves. Additionally, and alarmingly, some of your actions are aligned with a private lawsuit in which President Trump in his personal capacity is seeking extensive monetary damage from the same entities you are targeting. This is an obvious effort to create additional leverage in Trump's settlement negotiations and encourage payment in a sham lawsuit in exchange for favorable regulatory outcomes. Furthermore, your frequent travel with the President to his property in Florida is inappropriate of the Chairman of an independent agency. It calls into doubt your understanding of the agency's purpose and raises questions about whether you are inappropriately receiving direction from the President.[4,5]

Perhaps your most concerning action to date is your harassment of CBS. You recently reinstated a lawfully denied complaint against CBS for alleged news distortion for engaging in routine editing of an interview with former Vice President Kamala Harris.[6] Following this reinstatement, you launched a formal investigation of the broadcaster by sending a letter of inquiry demanding videos and transcripts. You also opened an unnecessary comment period—advertised with a banner on the FCC website's consumer complaints page—even after receiving and publishing unedited videos and transcripts that clearly show no deception.[7,8] You have taken these actions while the Commission is reviewing a merger proposed by CBS's parent company, Paramount Global, and President Trump is suing the company in his personal capacity for damages based on the same allegations. As others have noted, undertaking these official actions to pressure the regulated entity to settle its lawsuit with President Trump for monetary damages could give the appearance that you are facilitating a bribe to the President to drop these

[4] Broadband Breakfast, *Exclusive Q&A with Chairman Brendan Carr* (Feb. 25, 2025) (https://broadbandbreakfast.com/exclusive-q-a-with-chairman-brendan-carr/).

[5] Axios, *Tech: Agencies Go MAGA* (Mar. 18, 2025) (https://www.axios.com/pro/tech-policy/newsletters/2025/03/18/tech-agencies-go-maga?utm_source=axios&utm_medium=email&utm_campaign=pro_policy_daily_03-20-2025&utm_content=Final&utm_term=pro_policy_preview_tech).

[6] Letter from Peter S. Hyun, Acting Bureau Chief, Enforcement Bureau, Federal Communications Commission, to Daniel R. Suhr, Center for American Rights (Jan. 16, 2025).

[7] Federal Communications Commission, *Consumer Inquiries and Complaints Center* (https://consumercomplaints fcc.gov/hc/en-us) (accessed Mar. 21, 2025).

[8] Federal Communications Commission, *In the Matter of News Distortion Complaint Involving CBS Broadcasting Inc. re: Preserving the First Amendment (GN Docket No. 25-11)* (https://docs.fcc.gov/public/attachments/DA-25-85A1.pdf) (Jan. 22, 2025).

investigations and approve the transaction.[9] Broadcasters, public interest organizations, and free speech advocates have been uniformly critical of your pursuit of this matter.[10,11,12]

Additionally, in your few weeks as Chairman of the FCC, you have:

- Reinstated a lawfully denied complaint against ABC for alleged news distortion for conducting an otherwise unremarkable presidential debate. [13,14]

- Reinstated a lawfully denied complaint against NBC for violations of the FCC's equal time rule stemming from former Vice President Kamala Harris's appearance on Saturday Night Live, despite numerous clear deficiencies in the complaint including the uncontested fact that NBC's stations satisfied the Commission's regulations by appropriately filing public notice of the appearance and promptly acceding to equal time requests made by other legally qualified candidates.[15]

- Selectively reinstated the aforementioned complaints against ABC, CBS, and NBC while conspicuously not reinstating a petition filed against FOX that was contemporaneously denied.[16]

- Launched a formal investigation of KCBS-AM in San Jose, an entity owned by Audacy, for simply reporting on publicly available information about Immigration and Customs Enforcement (ICE) activity in a local neighborhood.[17] This is after you had previously highlighted Audacy's connection with a fund owned by George Soros and threatened to delay Audacy's business before the Commission.[18]

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[9] *Paramount Executives Ask: Could They Be Sued for Settling Trump's $20 Billion CBS Lawsuit?*, Wall Street Journal (Feb. 14, 2025).

[10] Federal Communications Commission, *Comments of the National Association of Broadcasters* (Mar. 2025) (MB Docket No. 25-73).

[11] Federal Communications Commission, *Comments of Free Press* (Mar. 2025) (MB Docket No. 25-73).

[12] Federal Communications Commission, *Comments of the Foundation for Individual Rights and Expression* (Mar. 2025) (MB Docket No. 25-73).

[13] *See* note 7.

[14] *See* note 9.

[15] Federal Communications Commission, *In the Matter of Equal Opportunities Complaint Involving NBC Telemundo License. re: Preserving the First Amendment (GN Docket No. 25-11)* (https://docs.fcc.gov/public/attachments/DA-25-56A1.pdf) (Jan. 16, 2025).

[16] MSN, *The FCC's MAGA Standard: Target Trump's Enemies, Let Fox News off the Hook* (https://www.msn.com/en-us/news/us/the-fcc-s-maga-standard-target-trump-s-enemies-let-fox-news-off-the-hook/ar-AA1ArnOc?ocid=BingNewsSerp) (accessed Mar. 21, 2025).

[17] *FCC Investigates Calif. Radio Station that Shared ICE Agents' Location*, Los Angeles Times (Feb. 6, 2025).

[18] RadioInk, *Carr's FCC To 'Take A Very Hard Look' at Audacy's Soros Plan* (Nov. 26, 2024) (https://radioink.com/2024/11/26/carrs-fcc-to-take-a-very-hard-look-at-audacy-plan-with-soros/).

- Directed the FCC's Enforcement Bureau to launch an investigation into NPR and PBS based on false allegations of violations of the Commission's underwriting and advertisement rules, without offering any specific evidence indicating such violations.[19] This was despite the fact that NPR and PBS do not hold broadcast licenses and are not subject to those rules. Shortly thereafter, you followed up that threat with letters to 13 public radio stations, demanding information about on-air sponsorship announcements.[20]

- Baselessly accused YouTubeTV of religious discrimination based on business decisions about what channels to carry on its service.[21]

- Threatened, using dubious legal authority, to reinterpret Section 230 of the Communications Act to require private social media entities to carry speech that they disagree with or that violates their terms of service and community guidelines.[22]

These recent actions uniformly and improperly wield the regulatory power of your agency to abridge the First Amendment rights of the entities you target. Many of these actions also impermissibly attempt to stretch the bounds of the FCC's authority or engross statutory requirements in ways that are inappropriate, particularly in light of recent court decisions (that you had celebrated) which seek to narrow agency discretion.[23,24] In addition to weaponizing the FCC's Enforcement Bureau, you have also politicized the Media Bureau's licensing regime, echoing persistent calls from President Trump to revoke the broadcast licenses of news outlets that were deemed critical of him.

These recent actions have provoked widespread concern among stakeholders across the political spectrum. A bipartisan group of former Chairs of the FCC each recently criticized this overreach arguing that it threatens fundamental constitutional rights and undermines the

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[19] Letter from Brendan Carr, Chairman, Federal Communications Commission, to Katherine Maher, President and Chief Executive Officer, National Public Radio, and Paula A. Kerger, President and Chief Executive Officer, PBS (Jan. 29, 2025).

[20] MSN, *FCC Asks Public Radio Stations for Details on Sponsorships* (https://www msn.com/en-us/news/us/fcc-asks-public-radio-stations-for-details-on-sponsorships/ar-AA1AphqZ?ocid=BingNewsSerp) (accessed Mar. 21, 2025).

[21] Brendan Carr (@BrendanCarrFCC), X (Mar. 7, 2025 at 2:07 PM) (https://x.com/BrendanCarrFCC/status/1898088195675283501).

[22] *Brendan Carr Has Big Ideas About the FCC and Critics Across the Spectrum*, The Washington Post (Mar. 11, 2025).

[23] Broadband Breakfast, *FCC's Carr: Loper Bright 'Directionally a Really Good Thing'* (Jul. 17, 2024) (https://broadbandbreakfast.com/fccs-carr-loper-bright-directionally-a-really-good-thing/).

[24] *See, e.g.*, *Loper Bright Enterprises v. Raimondo*, 603 U.S. __ (2024).

independence of the Commission.[25,26,27,28,29] Other experts have raised similar concerns related to the lack of FCC jurisdiction to conduct some of these investigations and obvious attempts to attack and punish speech that you, or the President and his supporters, don't like.[30,31]

Further, your current agenda for the FCC stands in sharp contrast to some of your own prior statements condemning actions you considered government censorship. During the prior administration, you were critical of, in your words, "selectively target[ing] a handful of news media outlets for their coverage of political events" and lamented that "regulated entities will pay a price if the targeted newsrooms do not conform to [a President's] preferred political narratives."[32,33] What happened to your concern about "concerted effort[s] . . . to drive political dissent from the public square"?[34] Your own words and previously held beliefs about freedom of speech are crystal clear, and we call on you to end this misconduct and join us "in publicly denouncing [attempts] to stifle political speech and independent news judgment."[35]

The following questions are intended to help us understand how your recent actions and decisions comply with federal law and reflect the FCC's mission and statutory obligations. For each question, please provide any and all responsive information from January 20, 2025, to the present and provide written responses by April 14, 2025.

1) Provide all documents related to the following investigations of media entities, including letters of inquiry, subpoenas, and similar official requests for information as well as all responses to these requests:

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[25] Brookings Institute, *Not 'Deregulation' but Heavy-handed Regulation at the Trump FCC* (Feb. 25, 2025) (https://www.brookings.edu/articles/not-deregulation-but-heavy-handed-regulation-at-the-trump-fcc/).

[26] The Talbot Spy, *Trump Versus Free Speech by Al Sikes* (Feb. 5, 2025) (https://talbotspy.org/trump-versus-free-speech-by-al-sikes/).

[27] *Trump, CBS, and 'News Distortion'*, The Wall Street Journal (Feb. 9, 2025).

[28] The Federalist Society, *Expression over Radio Waves Is Not Exempt from the First Amendment* (Feb. 11, 2025) (https://fedsoc.org/commentary/fedsoc-blog/expression-over-radio-waves-is-not-exempt-from-the-first-amendment).

[29] Broadband Breakfast, *3 Former FCC Chairmen Condemn Brendan Carr's Threats Targeting Media Outlets* (Feb. 20, 2025) (https://broadbandbreakfast.com/3-former-fcc-chairmen-condemn-brendan-carrs-threats-targeting-media-outlets/).

[30] Columbia Journalism Review, *A Plea for Institutional Modesty* (Feb. 6, 2025) (https://www.cjr.org/politics/a-plea-for-institutional-modesty-fcc-corn-revere-brendan-carr-inconsistent-hypocrisy.php).

[31] *See* note 28.

[32] Federal Communications Commission, *FCC Commissioner Carr Responds to Democrats' Efforts to Censor Newsrooms* (Feb. 22, 2021) (press release).

[33] *Id.*

[34] *Id.*

[35] *Id*.

- the FCC investigation of CBS related to the editing of a 60 Minutes episode featuring Vice President Kamala Harris;
- the FCC investigation of ABC related to a 2024 presidential debate;
- the FCC investigation of NBC related to Vice President Harris' appearance on Saturday Night Live and the equal time rule;
- the decision not to reinstate the FCC investigation of FOX related to its coverage of the 2020 election;
- the FCC investigation of KCBS-AM in San Jose, CA related to coverage of ICE activity;
- the FCC investigations of NPR and PBS purportedly related to underwriting and advertisement rules;
- the FCC inquiry of YouTubeTV related to faith-based programming; and
- the FCC inquiry of social media companies related to Section 230.

2) Provide all communications between you and current White House officials and between you and other Trump Administration officials that relate to investigations of these or other media entities.

3) Provide all communications between you and third parties related to investigations of these or other media entities.

4) Explain and provide all supporting documents related to your decision to reinstate the complaints against ABC, CBS, and NBC but not a similar complaint against FOX, including but not limited to any advice provided by the Office of General Counsel.

5) Specifically describe your interpretation of the "public interest standard" you frequently cite and specifically describe the FCC's plan and authority to enforce your interpretation of such standard.[36,37,38]

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[36] Brookings Institute, *Trump's CBS Lawsuit Ties Media Freedom to FCC's Regulatory Power* (Feb. 19, 2025) (https://www.brookings.edu/articles/trumps-cbs-lawsuit-ties-media-freedom-to-fccs-regulatory-power/).

[37] Inside Sources, *Will the FCC's 'Public Interest' Standard Limit Broadcast Free Speech?* (Dec. 3, 2024) (https://dcjournal.com/will-the-fccs-public-interest-standard-limit-broadcast-free-speech/).

[38] Variety, *FCC Chief Brendan Carr Wants to 'Re-Empower' Local TV Stations and Consider Tighter Regulation of Social Media Giants* (Feb. 27, 2025) (https://variety.com/2025/tv/news/fcc-brendan-carr-re-empower-tv-stations-1236323044/).

6) Specifically describe and provide all documents related to your interpretation of the FCC's authority over national broadcast networks.

7) Specifically describe and provide all documents related to your interpretation of the FCC's authority over online video streaming.

8) Specifically describe and provide all documents related to your interpretation of the FCC's authority to interpret Section 230 of the Communications Act.[39]

9) Please provide an accounting of the staff time you have directed toward the investigations identified in this letter and an estimate of the cost associated with that time.

10) Please explain your previous statements adopting the President's agenda and describe any discussions you have had with the President or other executive branch officials during your multiple visits to the President's personal residence in Florida.

11) Please provide all records related to travel with the President on government aircraft and travel to the President's personal residence in Florida for meetings with the President or other White House officials, including detailed receipts of all associated costs borne by the FCC and any ethics advice that was provided related to such travel.

[39] 47 U.S.C. § 230.

If you have any questions about this request, please contact the Committee Democratic staff at (202) 225-2927.

Sincerely,

Frank Pallone, Jr.
Ranking Member

Doris Matsui
Ranking Member
Subcommittee on Communications
and Technology

Yvette D. Clarke
Ranking Member
Subcommittee on Oversight
and Investigations

cc: The Honorable Brett Guthrie
Chairman

The Honorable Richard Hudson
Chairman
Subcommittee on Communications and Technology

The Honorable Gary Palmer
Chairman
Subcommittee on Oversight and Investigations

Kristi Thompson

From: Evan Morris
Sent: Wednesday, May 20, 2026 8:22 AM
To: Allison Howell
Cc: Alexander Sanjenis; David Brown
Subject: Fw: [EXTERNAL]: Bridge News LLC Petition for Reconsideration
Attachments: Petition for Reconsideration.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Morning Allison. (b) (5) [redacted]

Evan

From: dja@commlaw.tv <dja@commlaw.tv>
Sent: Tuesday, May 19, 2026 11:52:44 PM
To: David Brown <David.Brown@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>; Anna Gomez <Anna.Gomez@fcc.gov>; Olivia Trusty <Olivia.Trusty@fcc.gov>
Subject: [EXTERNAL]: Bridge News LLC Petition for Reconsideration

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)
	)
Bridge News LLC	)

To: Chief, Video Division, Media Bureau
Filed With: Office of the Secretary

PETITION FOR RECONSIDERATION

SUMMARY

The Video Division of the Media Bureau has issued an *Order* against Bridge News LLC, the licensee of various LPTV, Class A, and full-service broadcast stations, directing it to file early renewal applications for all of its stations pursuant to Section 73.3579(c) of the Commission's Rules. The directive is unprecedented, and contrary to past Commission practice and policy. The only issue for which Bridge News LLC is being "investigated" involves a factually-settled matter concerning an ownership-reporting matter, for which only a forfeiture would be warranted. For the Media Bureau to take the draconian step of requiring the filing of early renewal applications for all of Bridge News LLC's stations goes far beyond Commission precedent; and is beyond the delegated authority of the Media Bureau. Consequently, the Media Bureau's Order is arbitrary and capricious, and should immediately be rescinded.

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)
	)
Bridge News LLC	)

To: Chief, Video Division, Media Bureau
Filed With: Office of the Secretary

PETITION FOR RECONSIDERATION

Bridge News LLC ("Bridge News"), by its attorney, hereby requests reconsideration of the Order, FCC 26-413 (MB, Video Div., May 27, 2026) issued with respect to the above-referenced applications and the licensed issued to Bridge News for various LPTV, Class A, and full-service TV stations. With respect thereto, the following is stated:

Background

Bridge News is the licensee of 83 LPTV, Class A, and full-service TV stations. Bridge News LLC was formed in the State of Michigan on December 20, 2021. Bridge News acquired its first LPTV stations on March 24, 2022. As reflected in the application for acquisition of Station WXII-LD and WMNN-LD (File Nos. 0000180466 and 0000180467) the original ownership of Bridge News was MBX Wyoming, Inc. (owned 100% by Manoj Bhargava) (90%) and Eric Wotila (10%).

The ownership of Bridge News did not change during the period encompassing the years 2022-23. Additional licenses were applied for by Bridge News in 2023 for seven Class A stations (WBYD-CD, WJGN-CD, KSVN-CD, W36EX-D, WJYL-CD, KRET-CD, and WTNG-CD), and four full-service stations (KKAI, KUPU, KTNL-TV, and KDMD). The ownership of Bridge News was misstated, however, in the applications for acquisition of Stations KKAI (File No.

0000222030, filed on October 4, 2023), KUPU (File No. 0000222037, filed on October 4, 2023), KDMD (File No. 0000232208, filed on December 11, 2023), KTNL-TV (File No. 0000232209, filed on December 11, 2023), WJYL-CD (File No. 0000226236, filed on November 14, 2023), KRET-CD (File No. 0000219810, filed on August 24, 2023), W36EX-D (File No. 0000216835, filed on June 16, 2023), WJGN-CD (File No. 0000212618, filed on March 16, 2023), WBYD-CD (File No. 0000211405, filed on February 24, 2023), WTNG-CD (File No. 0000220916, filed on September 12, 2023) and KSVN-CD (File No. 0000210975, filed on February 17, 2023), and the subsequent Bridge News 2023 Biennial Ownership Report (File No. 0000227857, filed on February 7, 2024), to incorrectly state that the sole owner and Manager and possessor of 100% voting rights and equity of Bridge News LLC was "Vincent Bodiford."

That was in error. The correct statement of the owners and other attributable officers and managers of Bridge News LLC should have been listed as follows:

MBX Wyoming, Inc. 100% voting Member 100% equity

(the 100% owner of MBX Wyoming is
Manoj Bhargava, who is a United State citizen.
The officers of MBX Wyoming, Inc. are as follows:
Manoj Bhargava is the President, Treasurer, and Secretary
as well as the CEO of MBX Wyoming, Inc. Chris Fowler is the
Vice President of Finance of MBX Wyoming, Inc.)

Manoj Bhargava: Manager

Vincent Bodiford: Chief Executive Office and Manager

It was discovered in March 2024 that although Bridge News accurately had stated its correct ownership structure in the prior-filed applications filed for Stations WXII-LD and WMNN-LD (File Nos. 0000180466 and File No. 0000180467, consummated March 24, 2022), and that Bridge News ownership did not ever change in a substantial manner between March 24, 2022 and 2024, Bridge News inadvertently incorrectly stated its overall ownership in the

subsequently filed Class A and full-service assignment applications (as well as in a subsequent Ownership Report) filed in 2023 and 2024, resulting in a technical violation of Section 310(d) of the Commission's Rules. 47 C.F.R. §310(d). Bridge News' counsel learned of the error on March 7, 2024, and applications for transfer of control (Lead Application File Nos. 0000240949, 0000240957, and 0000240961) were promptly filed with the FCC by Bridge News on March 15, 2024. As already has been explained in response to a Letter of Inquiry issued by the Video Division:

> Bridge News President of OTA Operations Scott Centers and counsel Dan J. Alpert were first to became aware that Bridge News' previously filed applications and ownership reports were likely incorrect when information was being prepared in conjunction with another application being prepared on behalf of Manoj Bhargava for the acquisition of an interest in Audacy License LLC, Lead File No. 0000241074, and it was brought to their attention by counsel for Audacy that MBX Wyoming owns 100% of Bridge News and Manoj Bhargava owns 100% of MBX Wyoming. In conjunction with that application, FCC counsel for Audacy contacted FCC counsel for Bridge News on or about March 7, 2024, concerning the preparation of an exhibit to that application that was being prepared which reflected that MBX Wyoming (100% owned by Manoj Bhargava) was 100% owner of Bridge News. … That information conflicted with information filed with the FCC previously by Bridge News. Upon further inquiry with Vincent Bodiford and corporate counsel for Bridge News, it was determined by Bodiford, Centers, and Alpert that (i) the information obtained by counsel for Audacy was in fact correct, (ii) the information filed with the FCC by Bridge News for various applications and licenses was in fact incorrect; and (iii) transfer of control applications needed to be filed by Bridge News immediately in order to correct the ownership information on file with the FCC. Preparation of transfer of control applications began immediately, and were filed with the FCC on March 15, 2024.

Response to Letter of Inquiry at 3. In other words, the error was *discovered* by Bridge News, voluntarily and quickly *reported to the FCC* by Bridge News, and was quickly *attempted to be fixed* by Bridge News, over two years ago. Importantly, Vincent Bodiford (the party previously reported erroneously to have been owner and in "control" of Bridge News) is no longer even employed by Bridge News, and is in fact, deceased.

This ownership matter is the only matter raised by the Video Division in its *Order*. In the past, where allegations have been made of parties being in control of a Commission licensee without prior FCC approval, the matter has routinely been handled at the Bureau level simply

through the issuance of notices of inquiry, followed by consent decrees or the imposition of forfeitures under Section 1.80 of the Commission rules. See, e.g., *Capstar TX LLC*, 27 FCC Rcd 3919 (Enf. Bur. 2012); Tama Broadcasting, Inc., 24 FCC Rcd 1612 (Enf. Bur. 2009); *Hughes Communications, Inc*., 24 FCC Rcd 3694 (Enf. Bur. 2009) (consent decree permitted where licensee where licensee discovered an unauthorized transfer of control and disclosed the matter one week later); *KCCS, LLC*, 39 FCC Rcd 10850 (MB 2024) (forfeiture issued for undisclosed transfer of control); *Birach Broadcasting Corp.*, 25 FCC Rcd 2643 (Enf. Bur. 2010).

Despite repeated efforts to resolve the matter with the FCC, the three transfer of control applications have now been pending for over two years. After it was believed that the matter was about to be resolved by Consent Decree, the Video Division's *Order* unexpectedly was released, which now requires the filing of early renewal applications. The *Order* stated:

> 1. The FCC has been investigating Bridge News, LLC, for compliance with its obligations as a licensed broadcaster. Specifically, the FCC has been investigating Bridge News, LLC for possible violations of the FCC's prohibition on unauthorized transfers of control of the station licenses. While Bridge News, LLC has purported to respond to two FCC Letters of Inquiry (LOIs), the FCC has determined that additional actions are appropriate at this time.
>
> 2. Specifically, FCC rules provide that whenever the FCC regards an application for a renewal of a license as essential to the proper conduct of an investigation, the FCC has the authority to call the broadcaster's licenses in for early renewal. Doing so both allows the FCC to conduct its ongoing investigation and enables the FCC to ensure that the broadcaster has been meeting its public interest obligations more broadly.
>
> 3. The FCC determines that calling in Bridge News, LLC's licenses early for renewal, at this time, under the FCC's Communications Act's public interest standard is essential within the meaning of agency regulations. Therefore, Bridge News, LLC is hereby directed to file license renewal applications for all of their licensed stations within 30 days--in other words, by May 27, 2026.

Order, DA 26-412 (MB, April 27, 2026) (footnotes omitted).

A listing of the outstanding Bridge News station licenses affected by the *Order*, together with their previous license expiration dates, is attached hereto as Attachment A. Copies of the most recent grants for renewal of licenses are attached hereto as Attachment B. The applications

for renewal of license or else for initial licenses were granted on the dates shown in Attachment B. As seen therein, under the previously granted Applications for renewal or for license, the currently outstanding licenses for Bridge News were not due to expire until **December 1, 2028** (for Station W25FQ-D); **February 1, 2029** (for Stations WWRJ-LD, W29FX-D, W16CA-D, WDGT-LD, WEWF-LD, WOFT-LD, WOFT-LD, WQFT-LD, WGCT-LD, WGCT-LD, W19EX-D, WBMN-LD, K06PT-D, W19EX-D, WBMN-LD, and WZVC-LD); **April 1, 2029** (for Stations WRDP-LD, WZVC-LD, W33ER-D, W25FX-D, and WRDP-LD); **June 1, 2029** (for Stations KTVV-LD, KKAF-LD, and KHMF-LD); **August 1, 202**9 (for Stations WJYL-LD and WIIW-LD); **October 1, 2029** (for Stations WHNE-LD, WMNN-LD, and WXII-LD; **December 1, 2029** (for Stations W17EH-D, WCHU-LD and W36EX-D; **February 1, 2030** (for Stations KUKC-LD and K06PT-D); **April 1, 2030** (for Stations K26PF-D, K06QJ-D and WUMN-LD); **August 1, 2030** (for Stations KADF-LD, KMBA-LD, KVVV-LD, KVHC-LD, KULC-LD, K34MX-D and K03IJ-D); **October 1, 2030** (for Stations K34QY-D, K08QN-D, KGLR-LD, KKIC-LD, WXCY-LD, KDNU-LD, KVPA-LD, KSVN-LD, KCVB-LD, and K15NV-D); **December 1, 2030** (for Stations KFLA-LD, K27PE-D, KBNK-LD, KSAO-LD, KBNI-LD, KWSM-LD, KRET-CD, KSDX-LD, KILA-LD, and KJOU-LD); **February 1, 2031** (for Stations KTNL-TV, KDMD, KLDY-LD, K06QP-D, K25QK-D, KKAI, KUPU, KBLT-LD) and K21LB-D; **April 1, 2031** (for Station WRDP-LD); **June 1, 2031** (for Stations WBXZ-LD, WHTV-LD, WVBG-LD, and W24EU-D); and **August 1, 2031** (for Stations W24EU-D and WBYD-LD).

ARGUMENT

I. The Grant of Bridge News' Prior Renewal and License Applications Are Final Orders.

An action of a Bureau of the Federal Communications Commission (FCC) is considered final and no longer subject to appeal or reconsideration when the following conditions are met:

- **Exhaustion of Administrative Remedies**: Under 47 U.S.C. § 155. the filing of an application for review by the full Commission is a condition precedent to judicial review of any order issued by a subordinate unit of the FCC, such as a Bureau. If no application for review is filed, the Bureau's order becomes final and subject to judicial review. However, if an application for review is filed, the Bureau's order is rendered non-final until the full Commission acts on the application. *Ga. Power Co. v. Teleport Communs. Atlanta, Inc.*, 346 F.3d 1047 (2003).

- **Expiration of Time for Filing Appeals or Reconsideration**: The time for filing a petition for reconsideration or an application for review is generally 30 days from the date of public notice of the Bureau's action, as prescribed by 47 U.S.C. § 405. and . § 1.106 (Petitions for reconsideration in non-rulemaking proceedings). If no petition or application is filed within this period, the Bureau's action becomes final. 47 U.S.C. § 405, 47 C.F.R. § 1.106 (Petitions for reconsideration in non-rulemaking proceedings).

- **Resolution of Pending Applications or Petitions**: If a petition for reconsideration or an application for review is filed, the Bureau's action remains non-final until the FCC disposes of the petition or application. For example, if the full Commission denies an application for review, the Bureau's action becomes final upon the issuance of the Commission's decision . *Ga. Power Co. v. Teleport Communs. Atlanta, Inc.*, 346 F.3d 1047 (2003).

- **No Further Review or Stay**: An action is final when it has not been reversed, stayed, enjoined, or otherwise set aside, and no timely request for administrative or judicial review, reconsideration, or stay is pending. Additionally, the time for the FCC to set aside the action on its own motion must have expired. For instance, under , § 1.102 Effective dates of actions taken pursuant to delegated authority.. the effect of a Bureau's action may be stayed if a petition for reconsideration or application for review is filed, but once the FCC completes its review and issues a final decision, the action becomes final . § 1.102 Effective dates of actions taken pursuant to delegated authority, *Bridge Capital Investors v. Susquehanna Radio Cor*p., 458 F.3d 1212 (2006).

- **Judicial Review Considerations**: Judicial review is only available for final agency actions. If a party files a petition for reconsideration or an application for review, the underlying Bureau action is rendered non-final and unreviewable by the courts until the FCC issues a final decision. This principle is supported by case law, which holds that ongoing agency review renders an order non-final for judicial review purposes, and any petition for review filed before the agency's final decision is "incurably premature." *Ga.*

> *Power Co. v. Teleport Communs. Atlanta, Inc.*, 346 F.3d 1047 (2003), *Small Bus. in Telecomms. v. FCC*, 251 F.3d 1015 (2001).

Once an FCC action becomes administratively final, it is generally not subject to further review or modification. This principle is rooted in the public interest in ensuring certainty, convenience, and order in administrative proceedings. Under federal law, administrative finality is a dominant principle, as reflected in *Greater Boston Television Corp. v. FCC*, 463 F.2d 268 (1971). Once an FCC order becomes final -- either because it was not appealed within the statutory timeframe or because it was affirmed on judicial review—the FCC is generally bound by that finality. As the Commission has stated:

> Staff action taken pursuant to delegated authority generally becomes final and not subject to administrative review forty days after the release of public notice announcing the action,[25] unless a petition for reconsideration or an application for review has been filed.[26] The Commission has made exceptions to the administrative doctrine of finality when ministerial errors have occurred in processing an application[27] or when manifestly unconscionable consequences would result from a failure to revisit a case.[28] Otherwise, the Commission will honor the public interest in ensuring certainty, convenience, and order by freezing the administrative record at a predetermined point in time.[29]
>
> [25] See *id*. § 1.117(a).
> [26] See *id.* §§ 1.106, 1.115.
> [27] *In re VSS Enterprises, LLC*, Memorandum Order and Opinion, 18 FCC Rcd 6225, 6227 (2003).
> [28] See *In re Radio Para La Raza*, Memorandum Order and Opinion, 40 FCC 2d 1102 (1973).
> [29] See Golden State Broadcasting, 102 FCC 2d at 797.

Riverside Ministries and Christian Voice of Central Ohio, Inc., 23 FCC Rcd 10360, 10363 ¶ 7 (MB 2008). Accord, *Frontier Broadcasting Co. v. FCC*, 296 F.2d 443, 445 (1961) (the holder of a construction permit awarded by a final order -- *e.g.*, an order that is never appealed -- has a "high degree of protection" under the Communications Act).

None of those situations apply in this case. Thus, the FCC's grants of the Bridge News' renewal and license to cover applications (granting each station in this case either a renewal license term for a full eight-year term or an initial license term applicable to the license period for stations in each stations' state) are currently administratively final, and it was improper and

legally impermissible for the Video Division retroactively, on its own volition, to retract the finality of those actions and to shorten the current license term to "May 27, 2026."

II. The Video Division's Application of Section 73.3539(c) of the Commission's Rules is Unprecedented, and Contrary to Commission Precedent Restricting Application of the Rule.

The FCC has the authority to require the filing of an early application for the renewal of a license, but that right is limited. Under Section 73.3539(c) of the Commission's Rules, the FCC may direct a licensee to file an early renewal application when it deems such action essential to the proper conduct of a hearing or investigation. 47 C.F.R. § 73.3539(c). In such cases, the FCC specifies a particular deadline for the filing of the renewal application. Additionally, under 47 U.S.C. § 308(a) of the Communications Act, the FCC also may grant or require early renewal applications in cases of emergency. These emergencies may involve danger to life or property, damage to equipment, or situations arising during a national emergency proclaimed by the President or Congress. In such cases, the FCC may bypass normal licensing procedures and require or grant renewals under terms and conditions it prescribes. However, any authorization granted under these emergency provisions does not extend beyond the duration of the emergency. 47 U.S.C. § 308. These provisions illustrate the FCC's discretion to mandate early renewal applications in situations where public interest, safety, or administrative necessity justifies such action.

The FCC has never previously required an FCC broadcast licensee to file an application for early renewal. Section 73.3539 states:

> (c) Whenever the FCC regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

47 C.F.R. § 73.3539(c). In this case, although the *Order* states: "the FCC has been investigating Bridge News, LLC for possible violations of the FCC's prohibition on unauthorized transfers of control of the station licenses," that matter is not even a subject of debate – Bridge News *already* has *admitted* that inadvertently the ownership structure that was presented to and approved by the Commission was not accurate with respect to Stations WBYD-CD, WJGN-CD, KSVN-CD, W36EX-D, WJYL-CD, KRET-CD, WTNG-CD, KKAI, KUPU, KTNL-TV, and KDMD, and has been willing to accept a forfeiture regarding that error. Long-form applications for approval of the corrected ownership structure (which is ownership which already was approved by the Commission for two of Bridge News' stations WXII-LD and WMNN-LD (File Nos. 0000180466 and 0000180467)) currently are on file with the FCC. Lead Application File Nos. 0000240949, 0000240957, and 0000240961.

Moreover, the FCC *already* has been conducting an investigation concerning this matter in conjunction with the already-filed transfer of control applications. The Video Division *already* has issued two Inquiry Letters in conjunction with those applications, and is free to *continue* its investigation in connection to those already-pending applications. In this circumstance, the requirement to filing *additional* applications cannot be validly considered to be "essential to the proper conduct of an investigation" where applications *already* have been filed and are pending before the FCC, and the conduct *already* is being investigated. Cf. *Walt Disney Company and American Broadcasting Company*, FCC 26-416 (MB April 28, 2026), where no applications are already under scrutiny, and no investigation with respect to any such pending applications already is pending with regard to pending applications.

FCC precedent establishes a clear standard: "the Commission…will adhere to its practice of not requiring the filing of early renewal applications absent some compelling reason." *In re Stangland*, 9 F.C.C.2d 683, 684 (1967).

Similarly, in *Knox Broadcasting*, 29 F.C.C.2d 47 (1971), a party sought to have a licensee's authorization revoked or subject to an application for renewal of license in advance of the date specified in the Commission's rules. The Commission denied that effort, stating:

> Our review of the submissions of the parties does not disclose the existence of any question of fact, law or policy which is incapable of resolution outside the hearing process and which would, therefore, justify the exercise of our discretion under Section 312 of the Communications Act (See: *Anthony Martin-Trigona*, 18 RR 2d 581 (1970); *Salem Broadcasting Company*, 1 FCC 2d 655, 6 RR 2d 160 (1965)) to direct the licensee of KKDA to show cause why its license for that station should not be revoked. Neither have we been able to find any compelling reason for demanding the submission of an application for renewal of license in advance of the date specified in Section 1.539(c) of the Commission's rules. (See: *Sioux Empire Broadcasting Company*, 9 FCC 2d 683, 10 RR 2d 1031 (1967); *National Antivivisection Society v. F.C.C.*, 3 RR 2d 2027 (1964)). It follows that KNOK's subject Petition must be denied.

Id. at 50.

In even the seminal case of *RKO General, Inc.*, 1 FCC Rcd 1081 (1986), the Commission declined to set stations' licenses for early renewal:

> Section 73.3539(c) of the Commission's Rules provides that the Commission may call for the early filing of a renewal application where it "regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation . . . ." Mainstream requests that we call for the early filing of WOR-TV's renewal application, pursuant to the rule. We have stated, however, that we would not call for the early filing of a renewal application "absent some compelling reason." *Sioux Empire Broadcasting Co.*, 9 F.C.C.2d 683, 684 (1967). The matters alleged by Mainstream, as described above, concern unresolved issues as to RKO's activities after the issuance of station WOR-TV's license in March, 1983. We do not consider such unresolved issues to be "compelling circumstances."

Similarly, in *Greater Portland Broadcasting Corp.*, 3 FCC Rcd 1953 (1988), a licensee was accused of anticompetitive conduct aimed at keeping a competitor off the air. The Commission stated:

> the Commission has never specifically set out pleading requirements for persons requesting the early filing of renewal applications, except to state that it would grant such a request only for "serious" or "compelling reasons." See, e.g., *Sioux Empire Broadcasting Co.*, 9 FCC2d 683, 684 (1967).

Id. at 1954; *Accord*, *RKO General*, 6 FCC Rcd 6569, ¶ 21 (1991); *Sandab Communications Limited Partnership II*, 13 FCC Rcd 14413 ¶ 65 (1998) (Commission denies requiring the filing on an early renewal application, after finding no "compelling reasons"):

> Upon review of the information now before us, we find that the allegations in Portland's pleadings fail to raise[] any substantial and material questions regarding Columbia's conduct. Accordingly, we see no reasons to invoke our discretionary authority under Section 73.3539(c) of the rules.

Greater Portland Broadcasting Corp., 3 FCC Rcd 1953, 1955 (1988).

As far back as 1963, the Commission noted that the Commission has always been circumspect in its discretionary use of the callup procedure. *William L. Ross*, 25 R.R. 360, 364 ¶ 11(1963). As the Commission stated in *Robert E. Thomas and Ferris A. Maloof*, 17 F.C.C.2d 375 (1969):

> The Commission, as a matter of policy, will not advance the filing date of the renewal application of an existing station…
>
> We followed this in *Bigbee Broadcasting Co.*, F.C.C. 63-260, 25 R.R. 88 (1963), and also in *William L. Ross*, F.C.C. 63-366, 25 R.R. 360 (1963), pointing out there that the Commission has always been circumspect in its discretionary use of the callup procedure. Accordingly, the applicant's request in this regard will be denied.

Id. at ¶ 16. There has been no reported instance where a change in this policy has been announced.

In short, there has not been even one reported case in which the Commission has ever previously invoked Section 73.3539(c) (or its predecessor, Section 1.539(c)) to require the early "callup" of a Commission license. In light of the investigations that already have been conducted and can still be conducted by virtue of the pending transfer of control applications; and in light of prevailing Commission precedent, the Video Division's action was arbitrary and capricious, beyond its delegated authority, and contrary to Commission precedent.

III. The Video Division's Action Was Beyond the Authority Delegated to the Media Bureau Under Section 0.61 of the Commission's Rules.

Due to the unprecedented nature of the Video Division's action targeting licenses for early renewal, the Video Division's action was beyond the Media Bureau's delegated authority. The Video Division *Order* was an action of the Media Bureau, and not the Commission itself. The Media Bureau operates under delegated authority as outlined in § 0.61 of the Commission's Rules and Section § 0.283 of the Commission's Rules. Under these rules, certain matters must be referred to the FCC *en banc* for resolution. These include issues presenting novel questions of law, fact, or policy that cannot be resolved under existing precedents, as well as matters involving significant penalties or rulemaking proceedings requiring public notice and comment. 47 C.F.R. § 0.61 and 47 C.F.R. § 0.283. Thus, the Media Bureau cannot unilaterally initiate an early renewal if it involves such matters.

In short, the Media Bureau is restricted from acting on matters that involve novel or unusual issues without referring them to the FCC. This limitation ensures that significant policy decisions or deviations from established procedures are addressed at the Commission level. 47 C.F.R. § 0.283. Quite simply, it has *never* been Commission policy in the past to require the filing of early renewal applications simply to resolve ownership issues and errors in Commission filings, as are presented in this case.

CONCLUSION

Throughout its brief history of owning stations before the FCC, Bridge News has provided quality programming to the public and has served the public interest. Other than one ownership error, which was voluntarily disclosed and has attempted to be rectified, Bridge News has a spotless record of compliance with all FCC rules and regulations.

Legitimate questions have been raised about the motivation underlying the Commission's *Order* against Bridge News. Bloomberg News reports that the Video Division's action "surprised some agency employees" and was issued to "function as a blueprint for future license investigations…and it also creates plausible deniability that license renewals are only targeting Disney."[1] This belief is consistent with concerns being expressed by the United States Senate. In a Letter dated May 7, 2026, Chairman Carr has been requested to respond to a letter from members of the United States Senate stating:

> The Commission issued a … renewal order against Bridge News, LLC on April 27, 2026 – one day before the Disney order. Did you intentionally time the orders so that the Bridge News order would precede the Disney order in the public record?

Attachment C at 3.

As the National Association of Broadcasters has stated:

> The FCC's broadcast license renewal process must be grounded in predictability, fairness and transparency, principles reflected in the license terms Congress established and later extended. The Media Bureau's nearly unprecedented request for one company to quickly reapply for all of its licenses – rather than utilize its traditional enforcement process – runs contrary to these principles and creates significant uncertainty for all broadcasters.
>
> Broadcast stations already face intense challenges as they work to deliver trusted journalism, lifesaving emergency services, community programming and election coverage. The FCC must be careful to avoid actions that create further instability for the local stations viewers and listeners depend on."

Attachment D. Shortening Bridge News' license terms in these circumstances, and requiring an unprecedented requirement of the filing of early renewal applications, is unnecessary, arbitrary and capricious, and contrary to Commission precedent.

[1] https://www.msn.com/en-us/money/companies/abc-license-renewal-call-surprised-fcc-staff-and-shattered-norms/ar-AA221DnA?ocid=finance-verthp-feeds

WHEREFORE, for all of these reasons, it is respectfully requested that this Petition be granted, and that the Video Division's *Order* against Bridge News LLC be reconsidered, rescinded, and withdrawn.

Respectfully submitted,

BRIDGE NEWS LLC

By: _____
Dan J. Alpert

Its Attorney

The Law Office of Dan J. Alpert
2120 21st Rd. N
Arlington, VA 22201
703-980-2419

May 19, 2026

Attachment A

Fac ID	Call Sign	City	State	Prior License Expiration Date
66549	WJGN-CD	CHESAPEAKE	VA	10/1/2028
167158	WTNG-CD	ROCKFISH	NC	12/1/2028
10548	WHDC-LD	CHARLESTON	SC	12/1/2028
69449	WSCG-LD	BEAUFORT, ETC.	SC	12/1/2028
182003	WFDY-LD	MYRTLE BEACH	SC	12/1/2028
39420	WWRJ-LD	JACKSONVILLE	FL	2/1/2029
4323	W29FX-D	KEY WEST	FL	2/1/2029
126708	W16CA-D	HOMESTEAD	FL	2/1/2029
6046	WDGT-LD	MIAMI	FL	2/1/2029
183761	WEWF-LD	JUPITER	FL	2/1/2029
128367	WOFT-LD	ORLANDO	FL	2/1/2029
185537	WQFT-LD	OCALA	FL	2/1/2029
128357	WGCT-LD	TAMPA	FL	2/1/2029
69450	WGCB-LD	HINESVILLE-RICHMOND	GA	2/1/2029
57547	KTVV-LD	HOT SPRINGS	AR	6/1/2029
48534	KKAF-LD	FAYETTEVILLE	AR	6/1/2029
58284	KHMF-LD	FORT SMITH	AR	6/1/2029
6837	WJYL-CD	JEFFERSONVILLE	IN	8/1/2029
168068	WIIW-LD	NASHVILLE	TN	8/1/2029*
168737	WHNE-LD	DETROIT	MI	10/1/2029
184267	WMNN-LD	LAKE CITY	MI	10/1/2029
16651	WXII-LD	CEDAR	MI	10/1/2029
129745	WCHU-LD	OAKWOOD HILLS	IL	12/1/2029
37238	W36EX-D	ALTON	IL	12/1/2029
191352	KUKC-LD	KANSAS CITY	MO	2/1/2030
191416	WUMN-LD	MINNEAPOLIS	MN	4/1/2030
32281	KADF-LD	AUSTIN	TX	8/1/2030
67880	KMBA-LD	AUSTIN	TX	8/1/2030
6690	KVVV-LD	HOUSTON	TX	8/1/2030
125586	KVHC-LD	SAN ANTONIO	TX	8/1/2030
182050	KULC-LD	PORT ARTHUR	TX	8/1/2030
125712	K34MX-D	ODESSA	TX	8/1/2030
183495	K03IJ-D	COLLEGE STATION	TX	8/1/2030
182107	KGLR-LD	SPARKS	NV	10/1/2030
74409	KKIC-LD	BOISE	ID	10/1/2030
186316	KXCY-LD	CHEYENNE	WY	10/1/2030
67876	KDNU-LD	LAS VEGAS	NV	10/1/2030
33773	KVPA-LD	PHOENIX	AZ	10/1/2030
168239	KSVN-CD	OGDEN	UT	10/1/2030
69693	KCVB-LD	LOGAN	UT	10/1/2030

Fac ID	Call Sign	City	State	
182186	K15NG-D	MESQUITE	NV	10/1/2030
28566	KFLA-LD	LOS ANGELES	CA	12/1/2030
186672	K27PE-D	GUSTINE	CA	12/1/2030
20559	KBNK-LD	FRESNO	CA	12/1/2030
34578	KSAO-LD	SACRAMENTO	CA	12/1/2030
41123	KBNI-LD	SANTA MARIA	CA	12/1/2030
31355	KWSM-LD	SANTA MARIA	CA	12/1/2030
10536	KRET-CD	PALM SPRINGS	CA	12/1/2030
168576	KSDX-LD	SAN DIEGO	CA	12/1/2030
60519	KTNL-TV	SITKA	AK	2/1/2031
25221	KDMD	ANCHORAGE	AK	2/1/2031
25219	KLDY-LD	ANCHORAGE	AK	2/1/2031
183022	K06QP-D	JUNEAU	AK	2/1/2031
25222	K25QK-D	ANCHORAGE	AK	2/1/2031
83180	KKAI	KAILUA	HI	2/1/2031
89714	KUPU	WAIMANALO	HI	2/1/2031
182846	KBLT-LD	ANCHORAGE	AK	2/1/2031
185411	K21LB-D	LINCOLN CITY	OR	2/1/2031
186686	WVCC-LD	WESTMORELAND	NH	4/1/2031
14317	WBXZ-LD	BUFFALO	NY	6/1/2031
127812	WHTV-LD	NEW YORK	NY	6/1/2031
74018	WVBG-LD	GREENWICH	NY	6/1/2031
129632	W24EU-D	ERIE	PA	8/1/2031
68395	WBYD-CD	PITTSBURGH	PA	8/1/2031
50144	WIVX-LD	CLEVELAND	OH	10/1/2029
168787	KBNY-LD	MONTEREY	CA	12/1/2030
50148	W27DG-D	MILLERSBURG	OH	10/1/2029
129642	KILA-LD	CHERRY VALLEY	CA	12/1/2030
130272	KJOU-LD	BAKERSFIELD	CA	12/1/2030
181856	WRDP-LD	COLUMBUS	GA	4/1/2029*
182020	W25FQ-D	FLORENCE	SC	12/1/2028*
182301	W19EX-D	GAINESVILLE	FL	2/1/2029*
182322	WBMN-LD	OCALA	FL	2/1/2029*
183492	K06PT-D	COLUMBIA	MO	2/1/2030*
183588	WZVC-LD	ATHENS	GA	4/1/2029*
184641	K26PF-D	SAINT CLOUD	MN	4/1/2030*
185711	W33ER-D	AUGUSTA	GA	4/1/2029*
185777	W25FW-D	COLUMBUS	GA	4/1/2029*
186640	K34QY-D	GOLDEN VALLEY	AZ	10/1/2030*
186641	K08QN-D	GOLDEN VALLEY	AZ	10/1/2030*
186719	K19NF-D	SOCORRO	NM	10/1/2030*
187860	K06QJ-D	SIOUX FALLS	SD	4/1/2030*
188768	W17EH-D	QUINCY	IL	12/3/2029*

Attachment B

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000189822, was granted on 11/18/2022 for a term expiring on 08/01/2030.

This is your License Renewal Authorization for station K03IJ-D

Facility ID: 183495
Location: COLLEGE STATION,TX

Innovative Media Technologies, Inc.
5174 McGinnis Ferry Road Suite 133
Alpharetta, GA 30005

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington, MI, 48331

Call Sign	File Number
K06PT-D	0000254122

Facility ID: 183492
NTSC TSID: 10910
Digital TSID: 10911
This License Covers Construction Permit No. 0000184981

Grant Date	**Expiration Date**
10/02/2024	02/01/2030

Hours of Operation
Unlimited

Station Location	**Frequency (MHz)**	**Station Channel**
City COLUMBIA **State** MO	82.0 - 88.0	6

Antenna Structure Registration Number
1027181

Transmitter	**Transmitter Output Power(kW)**
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 39-0-52.1 N **Longitude** 92-16-32.7 W	**Antenna Type** Directional
Description of Antenna **Make** SCA **Model** TVO-4	**Major Lobe Directions** 70.0 250.0
Antenna Beam Tilt (Degrees Electrical) Not Applicable	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 3 kW 4.77 DBK	
Height of Radiated Center Above Ground (Meters) 151	**Height of Radiated Center Above Mean Sea Level (Meters)** 405.5
Out-Of-Channel Emission Mask Simple	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington, MI, 48331

Call Sign	File Number
K06QJ-D	0000254649

Facility ID: 187860
NTSC TSID: 10922
Digital TSID: 10923
This License Covers Construction Permit No. 0000184985

Grant Date	Expiration Date
10/02/2024	04/01/2030

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City SIOUX FALLS **State** SD	82.0 - 88.0	6

Antenna Structure Registration Number
1042104

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 43-30-18.0 N **Longitude** 96-33-23.0 W	**Antenna Type** Directional
Description of Antenna **Make** JAM **Model** JA/LS-OM-8	**Major Lobe Directions** 0.0
Antenna Beam Tilt (Degrees Electrical) Not Applicable	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 3 kW 4.77 DBK	
Height of Radiated Center Above Ground (Meters) 170	**Height of Radiated Center Above Mean Sea Level (Meters)** 604.9
Out-Of-Channel Emission Mask Stringent	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000196960, was
granted on 01/26/2023 for a term expiring on
02/01/2031.

This is your License Renewal Authorization for station K06QP-D

Facility ID: 183022
Location: JUNEAU,AK

KETCHIKAN TV, LLC
PO Box 1471
Evergreen, CO 80437

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC, 29907

Call Sign	File Number
K08QN-D	0000193003

Facility ID: 186641
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000190287

Grant Date	Expiration Date
06/10/2022	10/01/2030

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City GOLDEN VALLEY **State** AZ	180.0 - 186.0	8

Antenna Structure Registration Number	
Transmitter Type Accepted. See Sections 74.750 of the Commission's Rules.	**Transmitter Output Power(kW)** As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 35-20-6 N **Longitude** 114-12-56 W	**Antenna Type** Directional
Description of Antenna **Make** SAM **Model** SAM-160	**Major Lobe Directions** 180.0
Antenna Beam Tilt (Degrees Electrical) Not Applicable	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 1 kW 0.00 DBK	
Height of Radiated Center Above Ground (Meters) 7	**Height of Radiated Center Above Mean Sea Level (Meters)** 1040.3
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** 7.6

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
W17EH-D	0000240011

Facility ID: 188768
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000215088

Grant Date	Expiration Date
03/01/2024	12/01/2029

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City QUINCY **State** IL	488.0 - 494.0	17

Antenna Structure Registration Number
1011390

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 39-57-4.0 N **Longitude** 91-19-54.0 W	**Antenna Type** Non-Directional
Description of Antenna **Make** Alive **Model** ATC-BCE212M-V2-17	**Major Lobe Directions** N/A
Antenna Beam Tilt (Degrees Electrical) 0.5	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 139	**Height of Radiated Center Above Mean Sea Level (Meters)** 370.6
Out-Of-Channel Emission Mask Stringent	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000203370, was granted on 04/20/2023 for a term expiring on 02/01/2031.

This is your License Renewal Authorization for station K21LB-D

Facility ID: 185411
Location: LINCOLN CITY,OR

Innovative Media Technologies
5174 McGinnis Ferry Road Suite 133
Alpharetta, GA 30005

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000196961, was
granted on 01/26/2023 for a term expiring on
02/01/2031.

This is your License Renewal Authorization for station K25QK-D

Facility ID: 25222
Location: ANCHORAGE,AK

KETCHIKAN TV, LLC
PO BOX 1471
EVERGREEN, CO 80437

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington, MI, 48331

Call Sign	File Number
K26PF-D	0000256325

Facility ID: 184641
NTSC TSID: 10924
Digital TSID: 10925
This License Covers Construction Permit No. 0000226660

Grant Date	Expiration Date
10/31/2024	04/01/2030

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City SAINT CLOUD **State** MN	542.0 - 548.0	26

Antenna Structure Registration Number
1210568

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 45-34-20.5 N **Longitude** 94-21-2.3 W	**Antenna Type** Directional
Description of Antenna **Make** Alive Telecom **Model** ATC-BCE28CW-V2-26	**Major Lobe Directions** 50.0
Antenna Beam Tilt (Degrees Electrical) 0.5	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 89.9	**Height of Radiated Center Above Mean Sea Level (Meters)** 456.3
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

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Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000195810, was
granted on 11/30/2022 for a term expiring on
12/01/2030.

This is your License Renewal Authorization for station K27PE-D

Facility ID: 186672
Location: GUSTINE,CA

Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC 29907

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000188912, was granted on 01/04/2023 for a term expiring on 08/01/2030.

This is your License Renewal Authorization for station K34MX-D

Facility ID: 125712
Location: ODESSA,TX

Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC 29907

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC, 29907

Call Sign	File Number
K34QY-D	0000193005

Facility ID: 186640
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000190286

Grant Date	Expiration Date
06/08/2022	10/01/2030

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City GOLDEN VALLEY **State** AZ	590.0 - 596.0	34

Antenna Structure Registration Number

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 35-20-6 N **Longitude** 114-12-56 W	**Antenna Type** Directional
Description of Antenna **Make** ELTI **Model** ELTI UHF Panel	**Major Lobe Directions** 90.0
Antenna Beam Tilt (Degrees Electrical) Not Applicable	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 3 kW 4.77 DBK	
Height of Radiated Center Above Ground (Meters) 6	**Height of Radiated Center Above Mean Sea Level (Meters)** 1039.3
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** 7.6

Waivers/Special Conditions

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Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000185932, was
granted on 08/02/2022 for a term expiring on
08/01/2030.

This is your License Renewal Authorization for station KADF-LD

Facility ID: 32281
Location: AUSTIN,TX

Joseph W. Shaffer
P.O. BOX 10310
PRESCOTT, AZ 86304

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000203343, was
granted on 02/04/2026 for a term expiring on
02/01/2031.

This is your License Renewal Authorization for station KBLT-LD

Facility ID: 182846
Location: ANCHORAGE,AK

Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI 48331

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000195885, was granted on 02/15/2023 for a term expiring on 12/01/2030.

This is your License Renewal Authorization for station KKDJ-LD

Facility ID: 41123
Location: SANTA MARIA,CA

COCOLA BROADCASTING COMPANIES, LLC
706 W. HERNDON AVENUE
FRESNO, CA 93650

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000195882, was
granted on 02/15/2023 for a term expiring on
12/01/2030.

This is your License Renewal Authorization for station KJEO-LD

Facility ID: 20559
Location: FRESNO,CA

COCOLA BROADCASTING COMPANIES, LLC
706 W. HERNDON AVENUE
FRESNO, CA 93650

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000192733, was
granted on 01/10/2023 for a term expiring on
10/01/2030.

This is your License Renewal Authorization for station KCVB-LD

Facility ID: 69693
Location: LOGAN,UT

CACHE VALLEY BROADCASTING, LLC
P.O. BOX 3942
LOGAN, UT 84323

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000196955, was granted on 01/17/2024 for a term expiring on 02/01/2031.

This is your License Renewal Authorization for station KDMD

Facility ID: 25221
Location: ANCHORAGE,AK

KETCHIKAN TV, LLC
29793 Ruby Ranch Road PO Box 1471
Evergreen, CO 80439

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000195228, was granted on 11/30/2022 for a term expiring on 12/01/2030.

This is your License Renewal Authorization for station KFLA-LD

Facility ID: 28566

Location: LOS ANGELES,CA

Roy William Mayhugh
1872 NE Brown Dr.
Madras, OR 97741

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000189935, was
granted on 09/29/2022 for a term expiring on
10/01/2030.

This is your License Renewal Authorization for station KGLR-LD

Facility ID: 182107
Location: SPARKS,NV

New Line Media Communications LLC
3495 Lakeside Drive # 1228
Reno, NV 89509

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000135003, was
granted on 06/09/2021 for a term expiring on
06/01/2029.

This is your License Renewal Authorization for station KHMF-LD

Facility ID: 58284
Location: FORT SMITH,AR

KTV MEDIA, LLC
17200 CHENAL PARKWAY SUITE 300 - 267
LITTLE ROCK, AR 72223

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000195314, was granted on 11/30/2022 for a term expiring on 12/01/2030.

This is your License Renewal Authorization for station KILA-LD

Facility ID: 129642

Location: CHERRY VALLEY,CA

Roy William Mayhugh
1872 NE Brown Dr.
Madras, OR 97741

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000195881, was granted on 02/15/2023 for a term expiring on 12/01/2030.

This is your License Renewal Authorization for station KJOU-LD

Facility ID: 130272
Location: BAKERSFIELD,CA

COCOLA BROADCASTING COMPANIES, LLC
706 W. HERNDON AVENUE
FRESNO, CA 93650

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000135001, was granted on 06/09/2021 for a term expiring on 06/01/2029.

This is your License Renewal Authorization for station KKAF-LD

Facility ID: 48534
Location: FAYETTEVILLE,AR

KTV MEDIA, LLC
17200 CHENAL PARKWAY SUITE 300 - 267
LITTLE ROCK, AR 72223

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000190754, was
granted on 01/19/2023 for a term expiring on
10/01/2030.

This is your License Renewal Authorization for station KKIC-LD

Facility ID: 74409
Location: BOISE,ID

COCOLA BROADCASTING COMPANIES LLC
706 W. HERNDON AVENUE
FRESNO, CA 93650

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000196959, was granted on 01/26/2023 for a term expiring on 02/01/2031.

This is your License Renewal Authorization for station KLDY-LD

Facility ID: 25219
Location: ANCHORAGE,AK

KETCHIKAN TV, LLC
PO BOX 1471
EVERGREEN, CO 80437

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000185938, was granted on 08/02/2022 for a term expiring on 08/01/2030.

This is your License Renewal Authorization for station K34FM-D

Facility ID: 67880
Location: AUSTIN,TX

Joseph W. Shaffer
P.O. BOX 10310
PRESCOTT, AZ 86304

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000195889, was
granted on 02/15/2023 for a term expiring on
12/01/2030.

This is your License Renewal Authorization for station KMBY-LD

Facility ID: 168787
Location: Monterey,CA

COCOLA BROADCASTING COMPANIES, LLC
706 WEST HERNDON AVENUE
FRESNO, CA 93650

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000196044, was granted on 07/19/2023 for a term expiring on 12/01/2030.

This is your License Renewal Authorization for station KRET-CD

Facility ID: 10536

Location: PALM SPRINGS,CA

PO Box 5377 41625 ECLECTIC SUITE J1
PALM DESERT, CA 92260

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000195883, was granted on 02/15/2023 for a term expiring on 12/01/2030.

This is your License Renewal Authorization for station KSAO-LD

Facility ID: 34578
Location: SACRAMENTO,CA

COCOLA BROADCASTING COMPANIES, LLC
706 W. HERNDON AVENUE
FRESNO, CA 93650

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000196486, was
granted on 11/30/2022 for a term expiring on
12/01/2030.

This is your License Renewal Authorization for station KSDX-LD

Facility ID: 168576
Location: SAN DIEGO,CA

Estrella Television License LLC
1845 Empire Avenue
Burbank, CA 91504

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000192709, was
granted on 01/04/2023 for a term expiring on
10/01/2030.

This is your License Renewal Authorization for station KSVN-CD

Facility ID: 168239
Location: OGDEN,UT

Azteca Broadcasting Corporation
4215 West 4000 South
West Haven, UT 84401

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000196953, was granted on 02/22/2024 for a term expiring on 02/01/2031.

This is your License Renewal Authorization for station KTNL-TV

Facility ID: 60519
Location: SITKA,AK

Ketchikan TV, LLC
P.O. Box 1471 29833 Ruby Ranch Road
Evergreen, CO 80437

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000134930, was
granted on 06/09/2021 for a term expiring on
06/01/2029.

This is your License Renewal Authorization for station KTVV-LD

Facility ID: 57547
Location: HOT SPRINGS,AR

PINNACLE MEDIA, LLC
PO Box 23808
LITTLE ROCK, AR 72221

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000160875, was granted on 01/21/2022 for a term expiring on 02/01/2030.

This is your License Renewal Authorization for station KUKC-LD

Facility ID: 191352
Location: KANSAS CITY,MO

MEDIA VISTA KANSAS CITY, LLC
1110 Pine Ridge Road Suite 301
Naples, FL 34108

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000188321, was granted on 01/04/2023 for a term expiring on 08/01/2030.

This is your License Renewal Authorization for station KULC-LD

Facility ID: 182050
Location: PORT ARTHUR,TX

Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC 29907

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000201873, was
granted on 01/19/2023 for a term expiring on
02/01/2031.

This is your License Renewal Authorization for station KUPU

Facility ID: 89714
Location: WAIMANALO,HI

Hawaii Catholic TV, Inc.
PO Box 15
Honolulu, HI 96810

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000187964, was granted on 02/15/2023 for a term expiring on 08/01/2030.

This is your License Renewal Authorization for station KVHC-LD

Facility ID: 125586
Location: KERRVILLE,TX

5GTV, LLC
500 Summer Street #502
Stamford, CT 06901

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000192522, was granted on 09/30/2022 for a term expiring on 10/01/2030.

This is your License Renewal Authorization for station KVPA-LD

Facility ID: 33773
Location: PHOENIX,AZ

Estrella Television License LLC
1845 EMPIRE AVENUE
Burbank, CA 81504

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000186977, was granted on 08/02/2022 for a term expiring on 08/01/2030.

This is your License Renewal Authorization for station KVVV-LD

Facility ID: 6690

Location: HOUSTON,TX

Sovryn Holdings, Inc.
450 Park Avenue 30th Floor
New York, NY 10022

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000195892, was granted on 02/15/2023 for a term expiring on 12/01/2030.

This is your License Renewal Authorization for station KWSM-LD

Facility ID: 31355
Location: SANTA MARIA,CA

COCOLA BROADCASTING COMPANIES, LLC
706 W. HERNDON AVENUE
FRESNO, CA 93650

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000191478, was
granted on 10/13/2022 for a term expiring on
10/01/2030.

This is your License Renewal Authorization for station KXCY-LD

Facility ID: 186316
Location: CHEYENNE,WY

Roseland Broadcasting, Inc.
888C 8th Avenue #733
New York, NY 10019

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000122149, was granted on 10/13/2021 for a term expiring on 02/01/2029.

This is your License Renewal Authorization for station W16CA-D

Facility ID: 126708
Location: HOMESTEAD,FL

CAYO HUESO NETWORKS, LLC
PO Box 471
EVERGREEN, CO 80437

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
W19EX-D	0000266946

Facility ID: 182301
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000213178

Grant Date	Expiration Date
02/27/2025	02/01/2029

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City GAINESVILLE **State** FL	500.0 - 506.0	19

Antenna Structure Registration Number
1035360

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 29-32-12.0 N **Longitude** 82-23-59.0 W	**Antenna Type** Directional
Description of Antenna **Make** Dielectric **Model** TLP-8F/VP OS	**Major Lobe Directions** 290.0
Antenna Beam Tilt (Degrees Electrical) 1.0	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 207.3	**Height of Radiated Center Above Mean Sea Level (Meters)** 226.8
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000212462, was
granted on 07/12/2023 for a term expiring on
08/01/2031.

This is your License Renewal Authorization for station W24EU-D

Facility ID: 129632
Location: ERIE,PA

Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC 29907

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC, 29907

Call Sign	File Number
W25FQ-D	0000215753

Facility ID: 182020
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000214692

Grant Date	**Expiration Date**
06/01/2023	12/01/2028

Hours of Operation
Unlimited

Station Location	**Frequency (MHz)**	**Station Channel**
City FLORENCE **State** SC	536.0 - 542.0	25

Antenna Structure Registration Number
1048802

Transmitter	**Transmitter Output Power(kW)**
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 34-16-18.0 N **Longitude** 79-43-33.0 W	**Antenna Type** Directional
Description of Antenna **Make** ELTI **Model** ELTI UHF Panel	**Major Lobe Directions** 60.0
Antenna Beam Tilt (Degrees Electrical) Not Applicable	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 1 kW 0.00 DBK	
Height of Radiated Center Above Ground (Meters) 11	**Height of Radiated Center Above Mean Sea Level (Meters)** 48.2
Out-Of-Channel Emission Mask Stringent	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Lowcountry 34 Media, LLC
14 Tuxedo Drive
Beaufort, SC, 29907

Call Sign	File Number
W25FW-D	0000221308

Facility ID: 185777
NTSC TSID: 10354
Digital TSID: 10355
This License Covers Construction Permit No. 0000218613

Grant Date	**Expiration Date**
09/28/2023	04/01/2029

Hours of Operation
Unlimited

Station Location	**Frequency (MHz)**	**Station Channel**
City COLUMBUS **State** GA	536.0 - 542.0	25

Antenna Structure Registration Number
1219605

Transmitter	**Transmitter Output Power(kW)**
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 32-35-55.4 N **Longitude** 85-12-19.7 W	**Antenna Type** Directional
Description of Antenna **Make** Dielectric **Model** DLP-12M (BA)	**Major Lobe Directions** 270.0 290.0 310.0 330.0 350.0
Antenna Beam Tilt (Degrees Electrical) 1	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 82	**Height of Radiated Center Above Mean Sea Level (Meters)** 278.9
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000144279, was granted on 09/08/2021 for a term expiring on 10/01/2029.

This is your License Renewal Authorization for station W27DG-D

Facility ID: 50148
Location: MILLERSBURG,OH

IMAGE VIDEO TELEPRODUCTIONS, INC.
6755 FREEDOM AVE., N.W.
NORTH CANTON, OH 44720

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000122148, was granted on 10/13/2021 for a term expiring on 02/01/2029.

This is your License Renewal Authorization for station WKIZ-LD

Facility ID: 4323
Location: KEY WEST,FL

CAYO HUESO NETWORKS, LLC
PO Box 471
EVERGREEN, CO 80437

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
W33ER-D	0000218372

Facility ID: 185711
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000217785

Grant Date	**Expiration Date**
08/01/2023	04/01/2029

Hours of Operation
Unlimited

Station Location	**Frequency (MHz)**	**Station Channel**
City AUGUSTA **State** GA	584.0 - 590.0	33

Antenna Structure Registration Number
1059412

Transmitter	**Transmitter Output Power(kW)**
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 33-30-21.0 N **Longitude** 81-57-43.0 W	**Antenna Type** Directional
Description of Antenna **Make** Dielectric **Model** DLP-12M/VP (AER)	**Major Lobe Directions** 190.0 210.0 230.0 250.0 270.0
Antenna Beam Tilt (Degrees Electrical) 1	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 125.4	**Height of Radiated Center Above Mean Sea Level (Meters)** 269.0
Out-Of-Channel Emission Mask Stringent	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000158106, was granted on 09/12/2023 for a term expiring on 12/01/2029.

This is your License Renewal Authorization for station W36EX-D

Facility ID: 37238
Location: ALTON,IL

Liberty Communications, Inc.
PO Box 1044 3401 Fosterburg Road
Alton, IL 62002

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
WBMN-LD	0000266947

Facility ID: 182322
NTSC TSID: 10912
Digital TSID: 10913
This License Covers Construction Permit No. 0000213176

Grant Date	Expiration Date
02/27/2025	02/01/2029

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City OCALA **State** FL	488.0 - 494.0	17

Antenna Structure Registration Number
1035360

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 29-32-12.0 N **Longitude** 82-23-59.0 W	**Antenna Type** Directional
Description of Antenna **Make** Dielectric **Model** TLP-12O/VP	**Major Lobe Directions** 205.0
Antenna Beam Tilt (Degrees Electrical) 0.5	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 182.9	**Height of Radiated Center Above Mean Sea Level (Meters)** 202.4
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000207783, was
granted on 05/10/2023 for a term expiring on
06/01/2031.

This is your License Renewal Authorization for station WBXZ-LD

Facility ID: 14317
Location: BUFFALO,NY

Steven D. Ritchie
7729 AKRON ROAD
LOCKPORT, NY 14094

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000213456, was granted on 04/11/2024 for a term expiring on 08/01/2031.

This is your License Renewal Authorization for station WBYD-CD

Facility ID: 68395
Location: PITTSBURGH,PA

Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI 48331

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000155276, was granted on 11/12/2021 for a term expiring on 12/01/2029.

This is your License Renewal Authorization for station WCHU-LD

Facility ID: 129745
Location: Oakwood hills,IL

Venture Technologies Group, LLC
5670 Wilshire Blvd., Suite 1620
Los Angeles, CA 90036

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000122150, was
granted on 10/13/2021 for a term expiring on
02/01/2029.

This is your License Renewal Authorization for station WDGT-LD

Facility ID: 6046
Location: MIAMI,FL

CAYO HUESO NETWORKS, LLC
PO Box 471
EVERGREEN, CO 80437

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000122936, was granted on 03/19/2021 for a term expiring on 02/01/2029.

This is your License Renewal Authorization for station W05DH-D

Facility ID: 183761
Location: Jupiter,FL

New Hola TV LLC
6115 Lake Avenue
West Palm Beach, FL 33405

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000119812, was
granted on 12/17/2021 for a term expiring on
12/01/2028.

This is your License Renewal Authorization for station WFDY-LD

Facility ID: 182003
Location: MYRTLE BEACH,SC

MARQUEE BROADCASTING INC.
4400 Brookeville Rd
Brookeville, MD 20833

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000123217, was
granted on 03/04/2021 for a term expiring on
02/01/2029.

This is your License Renewal Authorization for station WGCT-LD

Facility ID: 128357
Location: Tampa,FL

Robert W Carr
23114 NE 69TH AVENUE
MELROSE, FL 32666

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000118816, was granted on _____ for a term expiring on 12/01/2028.

This is your License Renewal Authorization for station WTNG-CD

Facility ID: 167158
Location: LUMBERTON-PEMBROKE,NC

Mercy's Bridge Media, LLC
PO Box 526 P.O. BOX 526
Cordova, NC 28330

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000208588, was
granted on 08/23/2023 for a term expiring on
06/01/2031.

This is your License Renewal Authorization for station WHTV-LD

Facility ID: 127812
Location: New York,NY

Venture Technologies Group, LLC
150 S Arroyo Pkwy #103
Pasadena, CA 91105

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000144280, was
granted on 09/08/2021 for a term expiring on
10/01/2029.

This is your License Renewal Authorization for station WIVX-LD

Facility ID: 50144
Location: AKRON,OH

IMAGE VIDEO TELEPRODUCTIONS, INC.
6755 FREEDOM AVE., N.W.
NORTH CANTON, OH 44720

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000115088, was granted on 10/13/2020 for a term expiring on 10/01/2028.

This is your License Renewal Authorization for station WJGN-CD

Facility ID: 66549
Location: CHESAPEAKE,VA

THE UNION MISSION
3000 NORTH LANDING ROAD
VIRGINIA BEACH, VA 23456

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000141430, was granted on 10/13/2021 for a term expiring on 08/01/2029.

This is your License Renewal Authorization for station WJYL-CD

Facility ID: 6837
Location: JEFFERSONVILLE,IN

WJYL, LLC
P.O. Box 2605
Clarksville, IN 47131

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000145924, was
granted on 09/08/2021 for a term expiring on
10/01/2029.

This is your License Renewal Authorization for station WMNN-LD

Facility ID: 184267
Location: LAKE CITY,MI

FREELANCER TELEVISION BROADCASTING, INC.
320 W. 13TH STREET
CADILLAC, MI 49601

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000122948, was granted on 03/19/2021 for a term expiring on 02/01/2029.

This is your License Renewal Authorization for station WOFT-LD

Facility ID: 128367
Location: OCALA,FL

BUDD BROADCASTING CO., INC.
4190 NW 93RD AVENUE
GAINSVILLE, FL 32653

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
WRDP-LD	0000264874

Facility ID: 181856
NTSC TSID: 10926
Digital TSID: 10927
This License Covers Construction Permit No. 0000233576

Grant Date	Expiration Date
02/14/2025	04/01/2029

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City COLUMBUS **State** GA	482.0 - 488.0	16

Antenna Structure Registration Number
1032658

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 32-27-29.0 N **Longitude** 84-53-8.0 W	**Antenna Type** Directional
Description of Antenna **Make** Alive Telecom **Model** ATC-BCE410BR-VB-16	**Major Lobe Directions** 5.0 235.0
Antenna Beam Tilt (Degrees Electrical) 1.0	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 150	**Height of Radiated Center Above Mean Sea Level (Meters)** 267.3
Out-Of-Channel Emission Mask Stringent	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

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Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000119280, was granted on 02/11/2021 for a term expiring on 12/01/2028.

This is your License Renewal Authorization for station WSCG-LD

Facility ID: 69449
Location: BEAUFORT, ETC.,SC

MARQUEE BROADCASTING INC.
4400 BROOKEVILLE RD
BROOKEVILLE, MD 20833

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000118816, was granted on _____ for a term expiring on 12/01/2028.

This is your License Renewal Authorization for station WTNG-CD

Facility ID: 167158
Location: LUMBERTON-PEMBROKE,NC

Mercy's Bridge Media, LLC
PO Box 526 P.O. BOX 526
Cordova, NC 28330

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000172285, was
granted on 03/29/2022 for a term expiring on
04/01/2030.

This is your License Renewal Authorization for station WUMN-LD

Facility ID: 191416
Location: MINNEAPOLIS,MN

MEDIA VISTA MINNEAPOLIS, LLC
1110 Pine Ridge Rd Suite 301
Naples, FL 34108

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000208877, was
granted on 05/10/2023 for a term expiring on
06/01/2031.

This is your License Renewal Authorization for station WVBG-LD

Facility ID: 74018
Location: GREENWICH,NY

WIRELESS ACCESS, LLC
PO Box 260 50 SWART STREET
MARGARETVILLE, NY 12455

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000204335, was
granted on 03/15/2023 for a term expiring on
04/01/2031.

This is your License Renewal Authorization for station WVCC-LD

Facility ID: 186686
Location: WESTMORELAND,NH

Milachi Media, LLC
482 Harbor Drive North
Indian Rocks Beach, FL 33785

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000121757, was
granted on 02/18/2021 for a term expiring on
02/01/2029.

This is your License Renewal Authorization for station WWRJ-LP

Facility ID: 39420
Location: JACKSONVILLE,FL

U.S. TELEVISION, L.L.C.
P.O. BOX 3041
JENA, LA 71342

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000145962, was
granted on 10/13/2021 for a term expiring on
10/01/2029.

This is your License Renewal Authorization for station WXII-LP

Facility ID: 16651
Location: CEDAR,MI

FREELANCER TELEVISION BROADCASTING, INC.
320 W. 13TH ST.
CADILLAC, MI 49601

Federal Communications Commission

TELEVISION TRANSLATOR BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
K15NG-D	0000189026

Facility ID: 182186
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. BNPDTL-20090825APE

Grant Date	**Expiration Date**	
04/13/2022	10/01/2030	
Hours of Operation Unlimited		
Station Location **City** MESQUITE **State** NV	**Frequency (MHz)** 476.0 - 482.0	**Station Channel** 15
This authorization reissued to TINY TORTOISE INVESTMENTS, LLC on 03/05/2026. Call Sign Compliance		

Antenna Structure Registration Number	
Transmitter Type Accepted. See Sections 74.750 of the Commission's Rules.	**Transmitter Output Power(kW)** As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 36-49-55.4 N **Longitude** 114-3-34.2 W	**Antenna Type** Directional
Description of Antenna **Make** SCA **Model** 4DR-16-2HW	**Major Lobe Directions** 172.0 225.0 278.0
Antenna Beam Tilt (Degrees Electrical) Not Applicable	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 0.5 kW -3.01 DBK	
Height of Radiated Center Above Ground (Meters) 17	**Height of Radiated Center Above Mean Sea Level (Meters)** 587
Out-Of-Channel Emission Mask Simple	**Overall Height of Antenna Structure Above Ground (Meters)** 18

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000201851, was granted on 09/20/2023 for a term expiring on 02/01/2031.

This is your License Renewal Authorization for station KKAI

Facility ID: 83180
Location: KAILUA,HI

Kailua Television, LLC
PO Box 8969 P.O. Box 8969
Honolulu, HI 96810

This Authorization must be uploaded to its online public inspection file with the station's License Certificate and any subsequent modifications.

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000195889, was
granted on 02/15/2023 for a term expiring on
12/01/2030.

This is your License Renewal Authorization for station KMBY-LD

Facility ID: 168787
Location: Monterey,CA

COCOLA BROADCASTING COMPANIES, LLC
706 WEST HERNDON AVENUE
FRESNO, CA 93650

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
WZVC-LD	0000253901

Facility ID: 183588
NTSC TSID: 10902
Digital TSID: 10903
This License Covers Construction Permit No. 0000226647

Grant Date	Expiration Date
09/13/2024	04/01/2029

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City ATHENS **State** GA	524.0 - 530.0	23

Antenna Structure Registration Number
1020944

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 34-5-1.1 N **Longitude** 83-19-19.3 W	**Antenna Type** Directional
Description of Antenna **Make** Alive Telecom **Model** ATC-BCE210MR-V2-23	**Major Lobe Directions** 70.0
Antenna Beam Tilt (Degrees Electrical) 0.5	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 106.7	**Height of Radiated Center Above Mean Sea Level (Meters)** 372.6
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
K19NF-D	0000234030

Facility ID: 186719
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000220945

Grant Date	**Expiration Date**
01/08/2024	10/01/2030

Hours of Operation
Unlimited

Station Location	**Frequency (MHz)**	**Station Channel**
City SOCORRO **State** NM	500.0 - 506.0	19

Antenna Structure Registration Number
1055979

Transmitter	**Transmitter Output Power(kW)**
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 34-25-0.5 N **Longitude** 106-50-40.1 W	**Antenna Type** Non-Directional
Description of Antenna **Make** Dielectric **Model** DLP-12B	**Major Lobe Directions** N/A
Antenna Beam Tilt (Degrees Electrical) 1	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 30	**Height of Radiated Center Above Mean Sea Level (Meters)** 1479.3
Out-Of-Channel Emission Mask Stringent	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Innovative Media Technologies Inc.
7742 Spalding Dr
Suite 465
Norcross, GA, 30092

Call Sign	File Number
W17EH-D	0000169061

Facility ID: 188768
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000154571

Grant Date	**Expiration Date**
11/26/2021	12/03/2029

Hours of Operation
Unlimited

Station Location	**Frequency (MHz)**	**Station Channel**
City QUINCY **State** IL	488.0 - 494.0	17

Antenna Structure Registration Number	
Transmitter Type Accepted. See Sections 74.750 of the Commission's Rules.	**Transmitter Output Power(kW)** As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 39-57-46.8 N **Longitude** 91-23-36.3 W	**Antenna Type** Directional
Description of Antenna **Make** SCA **Model** CL-1469	**Major Lobe Directions** 180.0
Antenna Beam Tilt (Degrees Electrical) Not Applicable	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) .005 kW -23.01 DBK	
Height of Radiated Center Above Ground (Meters) 5.8	**Height of Radiated Center Above Mean Sea Level (Meters)** 188.8
Out-Of-Channel Emission Mask Stringent	**Overall Height of Antenna Structure Above Ground (Meters)** 6

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000128576, was granted on 04/02/2021 for a term expiring on 04/01/2029.

This is your License Renewal Authorization for station WGCB-LD

Facility ID: 69450
Location: HINESVILLE-RICHMOND,GA

MARQUEE BROADCASTING INC.
4400 BROOKEVILLE RD
BROOKEVILLE, MD 20833

Federal Communications Commission

LOW POWER TELEVISION BROADCAST STATION LICENSE

Licensee/Permittee
Bridge News LLC
38955 Hills Tech Dr.
Farmington Hills, MI, 48331

Call Sign	File Number
WIIW-LD	0000232650

Facility ID: 168068
NTSC TSID:
Digital TSID:
This License Covers Construction Permit No. 0000213351

Grant Date	Expiration Date
02/01/2024	08/01/2029

Hours of Operation
Unlimited

Station Location	Frequency (MHz)	Station Channel
City NASHVILLE **State** TN	470.0 - 476.0	14

Antenna Structure Registration Number
1050735

Transmitter	Transmitter Output Power(kW)
Type Accepted. See Sections 74.750 of the Commission's Rules.	As required to achieve authorized ERP.
Antenna Coordinates **Latitude** 36-8-27.0 N **Longitude** 86-51-56.0 W	**Antenna Type** Directional
Description of Antenna **Make** Alive **Model** ATC-BCE312UA-V1-14	**Major Lobe Directions** 20.0 90.0 160.0
Antenna Beam Tilt (Degrees Electrical) 0.75	**Antenna Beam Tilt (Degrees Mechanical @ Degrees Azimuth)** Not Applicable

Maximum Effective Radiated Power (Average) 15 kW 11.76 DBK	
Height of Radiated Center Above Ground (Meters) 211.2	**Height of Radiated Center Above Mean Sea Level (Meters)** 416.9
Out-Of-Channel Emission Mask Full Service	**Overall Height of Antenna Structure Above Ground (Meters)** See the registration for this antenna structure.

Waivers/Special Conditions

- Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Renewal of License Authorization

This is to notify you that your Application for Renewal of License 0000144818, was granted on 09/08/2021 for a term expiring on 10/01/2029.

This is your License Renewal Authorization for station WHNE-LD

Facility ID: 168737
Location: DETROIT,MI

TAIT BROADCASTING, LLC
27251 STATE ROAD 54 SUITE B14-124
WESLEY CHAPEL, FL 33544

Renewal of License Authorization

This is to notify you that your Application
for Renewal of License 0000191734, was
granted on 09/30/2022 for a term expiring on
10/01/2030.

This is your License Renewal Authorization for station KDNU-LD

Facility ID: 67876
Location: LAS VEGAS,NV

LVNV Broadcasting Company LLC
3111 Bel Air Dr. Unit 25D
Las Vegas, NV 89109

Attachment C

United States Senate

May 7, 2026

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Dear Chairman Carr,

The Federal Communications Commission's (FCC) order, sent at your directive, to The Walt Disney Company to file early license renewals for its eight ABC broadcast stations — coming just one day after President Donald Trump publicly demanded ABC fire late-night host Jimmy Kimmel — is an extraordinary abuse of power. This order is the latest and most extreme step in your use of the FCC's licensing authority as a cudgel against broadcasters whose editorial choices displease the President. You have effectively converted the FCC's authority over the public airwaves into an instrument of presidential retribution against constitutionally protected speech. The FCC must immediately rescind this order and explain its conduct.

The FCC order, sent under your leadership, appears to be a blatant effort to punish Disney for its editorial decision-making, notably its refusal to fire Kimmel over a recent joke. On Monday last week, both President Trump[1] and First Lady Melania Trump[2] demanded that Disney fire Kimmel over his joke — speech clearly protected under the First Amendment. One day later, you directed the FCC to send the early-renewal order[3] to Disney — reportedly surprising FCC career staff.[4] Although the three-paragraph order did not mention Kimmel's joke or Trump's comments, the timing speaks volumes. This action appears to penalize Disney for refusing to capitulate to Trump's demands to fire Kimmel and to send a message to other broadcasters: Modify your speech to favor Trump or face the FCC's wrath. Moreover, with the exception of a different order on Monday of last week[5] — possibly timed to give you cover for the Disney order that would come the next day — the FCC appears not to have used its authority[6] to call in licenses for early renewal in over half a century, and it has never invoked that authority to target

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[1] Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 27, 2026 1:26 PM), https://truthsocial.com/@realDonaldTrump/posts/116477838570626860.

[2] Melania Trump (@FLOTUS), X (Apr. 27, 2026 10:19 AM), https://x.com/FLOTUS/status/2048769128513585618.

[3] Federal Communications Commission Order DA 26-416, In the Matter of The Walt Disney Company et al. (Apr. 28, 2026), https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf.

[4] Kelcee Griffis & Saijel Kishan, *ABC License Renewal Call Surprised FCC Staff and Shattered Norms*, Bloomberg (Apr. 29, 2026), https://www.bloomberg.com/news/articles/2026-04-29/abc-license-renewal-call-surprised-fcc-staff-and-shattered-norms.

[5] FCC Order DA 26-413, In the Matter of Bridge News, LLC (Apr. 27, 2026), https://docs.fcc.gov/public/attachments/DA-26-413A1.pdf.

[6] 47 CFR § 73.3539(c).

constitutionally protected speech or satisfy a president's personal vendetta against a company.[7] The Disney early-renewal order is thus an unprecedented and unconstitutional abuse of the Commission's powers.

The Trump administration's sustained, public campaign against Disney also lays bare the pretextual and politically motivated nature of this order. Over the past 18 months, President Trump and you have repeatedly threatened Disney, ABC, and its stations for engaging in constitutionally protected speech. In January 2025, just a few days after you became FCC chairman, the FCC reinstated a frivolous complaint against ABC based on its moderation of a 2024 presidential debate.[8] Over the following months, President Trump repeatedly called on the FCC to revoke licenses from broadcasters because of their news coverage, including licenses of ABC stations.[9] And then in September 2025, you told a podcast host — following a different joke from Kimmel that angered Trump and his allies — that Disney and ABC could "do this the easy way or the hard way," and said that "there's going to be additional work for the FCC ahead" unless ABC affiliates "find ways to change conduct and take action, frankly, on Kimmel[.]"[10] This mafia boss threat provoked a bipartisan backlash but your message was clear: the FCC, with you as chairman, was ready to serve as Trump's speech police.

The campaign against Disney and its editorial decision-making, culminating in last week's early-renewal order, is an egregious abuse of power and a clear violation of the First Amendment. Although the FCC has the authority to ensure broadcasters operate in the public interest, it cannot serve as President Trump's roving censor, threatening to revoke licenses against broadcasters whose editorial content — including a comedian's jokes — displeases the President. In fact, before serving as chairman, you frequently recognized the importance of the First Amendment and the freedom of speech, including for comedians. As you previously explained: "From Internet memes to late-night comedians, from cartoons to the plays and poems as old as organized government itself - Political Satire circumvents traditional gatekeepers & helps hold those in power accountable. Not surprising that it's long been targeted for censorship."[11] Now, you are doing exactly that — targeting political satire for censorship.

---

[7] Although the FCC does not have a public list of early-renewal orders, a petition to the Commission in 2018 indicated that the agency last called in licenses for early renewal in 1972. *See* Petition to Require Filing of Early Renewal Applications, American Cable Association (Nov. 26, 2018) 4 n.9 (identifying just three early-renewal orders in the past 75 years, the last coming in 1972). This letter seeks to confirm that early-renewal record.

[8] *See, e.g.*, David Shepardson, *FCC reinstates complaints against ABC, CBS and NBC for 2024 election coverage*, Reuters (Jan. 23, 2025), https://www.reuters.com/business/media-telecom/fcc-reinstates-complaints-over-abc-presidential-debate-harris-tv-appearances-2025-01-22/.

[9] *See, e.g.*, Donald J. Trump (@realDonaldTrump), Truth Social (Aug. 24, 2025, 9:59 PM), https://truthsocial.com/@realDonaldTrump/posts/115086929873163909.

[10] *See, e.g.*, Gene Maddaus, *FCC Chairman Threatens ABC Over Jimmy Kimmel's Remarks About Charlie Kirk's Killer*, Variety (Sept. 17, 2025), https://variety.com/2025/tv/news/brendan-carr-abc-fcc-jimmy-kimmel-charlie-kirk-1236522406/.

[11] Brendan Carr (@BrendanCarrFCC), X (Feb. 20, 2020, 10:18 PM), https://x.com/BrendanCarrFCC/status/1230693195828400129.

You should direct the FCC to immediately rescind the order calling in Disney's ABC station licenses for early renewal. To help the public understand your basis for this action, please respond in writing to the following questions by May 21, 2026:

1. Please describe the timing and process by which you determined that the Commission should issue the early-renewal order.

    a. When did you first direct Commission staff to begin drafting the Disney order, and on what date was the final text approved for release?

    b. What internal legal review, including by the Office of General Counsel, was conducted before the order was issued?

    c. Did you consider, but reject, any less aggressive enforcement steps prior to issuing the order? If so, please identify them.

    d. The Commission issued a procedurally similar early-renewal order against Bridge News, LLC on April 27, 2026 — one day before the Disney order. Did you intentionally time the orders so that the Bridge News order would precede the Disney order in the public record?

2. Please provide a status update on each open FCC investigation into Disney or its ABC stations.

    a. When was Disney's last response to each of these inquiries, and how many pages of documents has Disney produced as part of these investigations?

    b. Has Disney been unresponsive to these investigations?

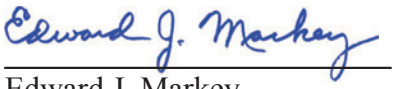
    c. Please describe the justification for issuing the early-renewal order amidst these ongoing investigations.

3. Between April 22, 2026, and April 28, 2026, did you, your staff, or any other FCC personnel communicate with the White House, any other component of the Executive Office of the President, or any individual acting on their behalf regarding Disney, ABC, Jimmy Kimmel, or the early-renewal order? If so, please describe each communication, including the participants and substance.

4. Please identify each prior instance in which the Commission has invoked 47 CFR § 73.3539(c) to call in the licenses of a broadcaster for early renewal, including a summary of the grounds for each instance.

Thank you for your attention to this important issue.

Sincerely,



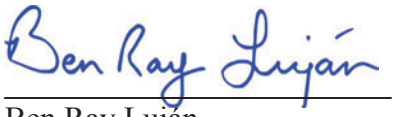
Edward J. Markey
United States Senator



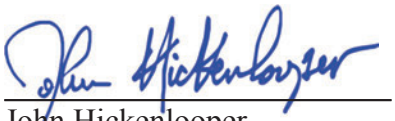
Charles E. Schumer
United States Senator



Maria Cantwell
United States Senator



Ben Ray Luján
United States Senator



John Hickenlooper
United States Senator



Mazie K. Hirono
United States Senator



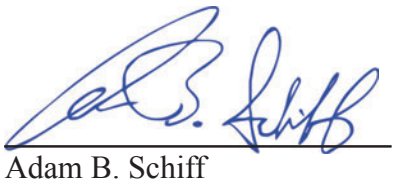
Jacky Rosen
United States Senator



Bernard Sanders
United States Senator



Brian Schatz
United States Senator



Adam B. Schiff
United States Senator



Chris Van Hollen
United States Senator



Elizabeth Warren
United States Senator

cc.

The Honorable Anna M. Gomez
Commissioner
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

The Honorable Olivia Trusty
Commissioner
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Attachment D

FOR IMMEDIATE RELEASE
April 29, 2026

CONTACT
Carrie Healey

(202) 429-5350
chealey@nab.org

X Post

NAB Statement on FCC Calling in Broadcast Licenses for Early Renewal

The following statement can be attributed to NAB President and CEO Curtis LeGeyt:

"The FCC's broadcast license renewal process must be grounded in predictability, fairness and transparency, principles reflected in the license terms Congress established and later extended. The Media Bureau's nearly unprecedented request for one company to quickly reapply for all of its licenses – rather than utilize its traditional enforcement process – runs contrary to these principles and creates significant uncertainty for all broadcasters.

Broadcast stations already face intense challenges as they work to deliver trusted journalism, lifesaving emergency services, community programming and election coverage. The FCC must be careful to avoid actions that create further instability for the local stations viewers and listeners depend on."

About NAB

The National Association of Broadcasters is the premier advocacy association for America's broadcasters. NAB advances radio and television interests in legislative, regulatory and public affairs. Through advocacy, education and innovation, NAB enables broadcasters to best serve their communities, strengthen their businesses and seize new opportunities in the digital age. Learn more at nab.org.

###

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that true and correct copies of the forgoing Petition for Reconsideration are being sent electronically, via email, to the following:

The Hon. Brenden Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

The Hon. Anna M. Gomez
Commissioner
Federal Communications Commission
45 L Street NE
Washington, DC 20554

The Hon. Olivia Trusty
Commissioner
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Alexander Sanjenis
Acting Bureau Chief
Media Bureau
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Evan Morris
Deputy Chief
Media Bureau
Federal Communications Commission
45 L Street NE
Washington, DC 20554

David Brown
Chief, Video Division
Media Bureau
Federal Communications Commission
45 L Street NE
Washington, DC 20554

/Dan J. Alpert/
Dan J. Alpert

Kristi Thompson

From: Katie Gorscak
Sent: Wednesday, May 20, 2026 4:02 PM
To: Greg Watson; Allison Howell; Anthony Patrone; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: FW: [EXTERNAL]: Chairman Press conference today - The View

OCH team:

Flagging the below inquiry we received from Monty. (b) (5) [redacted]

Katie

From: Tayloe, Monty <mtayloe@warren-news.com>
Sent: Wednesday, May 20, 2026 2:43 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: [EXTERNAL]: Chairman Press conference today

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Hi Katie, Will and Adam,

I noticed during the press conference today Chairman Carr said that Disney "made the choice" to file a petition for a declaratory ruling on whether the View is a bona fide news program. But in the petition, Disney says several times that it was ordered to make that filing by the Media Bureau. Do you have a comment on the discrepancy there? Did the media Bureau order Disney to file the petition for declaratory ruling?

Thanks,
Monty Tayloe
Associate Editor
Communications Daily
703-728-0227

Kristi Thompson

From: Katie Gorscak
Sent: Wednesday, June 10, 2026 2:47 PM
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: FW: [EXTERNAL]: Comm Daily question, FOIA lawsuit against FCC
Attachments: CCI Complaint.pdf

Please see the below question from Comm Daily regarding a FOIA lawsuit. (b) (5) [redacted]

Katie

From: Daneman, Matthew <mdaneman@warren-news.com>
Sent: Wednesday, June 10, 2026 1:46 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: [EXTERNAL]: Comm Daily question, FOIA lawsuit against FCC

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

K, W

HI, happy Wednesday.
Any FCC comment on the Center for Constitutional Integrity lawsuit against the FCC filed this week in federal court claiming the FCC wasn't responsive to a FOIA about texts the chairman sent or received regarding Jimmy Kimmel?

THanks.

Matt Daneman
Communications Daily
Washington D.C.
(703) 872-9898
mdaneman@warren-news.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

CITIZENS FOR CONSTITUTIONAL INTEGRITY, 1930 18th St. NW, Ste. B2, PMB 620, Washington, DC 20010, Plaintiff, v. THE FEDERAL COMMUNICATIONS COMMISSION, 45 L Street NE Washington, D.C. 20554, Defendant.	Case No. 26-cv-2018

COMPLAINT

JARED S. PETTINATO, DC Bar No. 496901
The Pettinato Firm
1930 18th St. NW, Ste. B2, PMB 620
Washington, DC 20009
(406) 314-3247
Jared@JaredPettinato.com

Attorney for Plaintiff

"*[C]omedians and talk show hosts from countries like Russia [and] the Middle East . . . tell me they would get thrown in prison for making fun of those in power. . . . [T]hey know how lucky we are here. Our freedom to speak is what they admire most about this country. And that's something I'm embarrassed to say I took for granted until they pulled my friend Stephen [Colbert] off the air and tried to coerce the affiliates . . . to take my show off the air. That's not legal. That's not American. That is unamerican, and it is so dangerous.*"

—Jimmy Kimmel[1]

INTRODUCTION

1. In response to Citizens for Constitutional Integrity's Freedom of Information Act (FOIA), 5 U.S.C. § 552 request, Federal Communication Commission Chair Brendan Carr refused to produce his text messages related to his efforts to force ABC to suspend Jimmy Kimmel. The FCC failed to complete a reasonable search and produced zero text messages—except for screenshots of one text that Carr had emailed himself.

2. Kimmel was pointing out hypocrisy after someone murdered Charlie Kirk. In response, Carr made a plain threat:

> "I mean, look, we can do this the easy way or the hard way. These companies can find ways to change conduct and take action frankly uh on Kimmel or you know there's going to be additional work for the FCC ahead."[2]

The People deserve to know what else Carr threatened.

3. FOIA compels declaratory and injunctive relief to order the FCC to produce the responsive text messages immediately.

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[1] Jimmy Kimmel Live, *Jimmy Kimmel is Back!* at 4:00 (Sept. 23, 2025), *available at* https://www.youtube.com/watch?v=c1tjh_ZO_tY.

[2] Benny Show, *Jimmy Kimmel LIES About Charlie Kirk Killer, Blames Charlie For His Murder!? Disney Must Fire Kimmel* at 11:16-11:56 (Sept. 17, 2025), *available at* https://www.youtube.com/watch?v=uTyX9JC-rhA.

CAUSE OF ACTION, JURISDICTION, AND VENUE

4. FOIA gives this Court jurisdiction. *See* 5 U.S.C. § 552(a)(4)(B); *GTE Sylvania, Inc. v. Consumers Union of U.S., Inc.*, 445 U.S. 375, 384 (1980). It waives sovereign immunity, and provides a cause of action. 5 U.S.C. § 552(a)(4)(B).

5. The District of Columbia sets the proper venue because (1) Citizens maintain their principal office here, (2) on information and belief, the records are situated here, and (3) FOIA specifically allows filings in this district. *See id.*

PLAINTIFF

6. Citizens for Constitutional Integrity is a nonprofit organization that researches and holds governments accountable. Its purposes include improving the United States Constitution's integrity, democratic elections, and government accountability. It maintains its principal office in Washington, D.C.

7. Citizens suffered procedural and informational injury when the FCC failed to produce Carr's text messages. Citizens are protecting interests germane to the organization's purposes, and individual members need not participate to advance the claims or to obtain the relief.

DEFENDANT

8. The FCC is an independent agency of the United States government. It regulates radio, television, wire, satellite, and cable communications. It is responsible for government policy related to communications innovations. The FCC's mission requires a high degree of technological sophistication for managing complex, ever-changing technologies.

THE FREEDOM OF INFORMATION ACT

9. Congress recognized "secrecy in government" as "one of the instruments of Old World tyranny," and it enacted FOIA to help democracy function. *See U.S. Dep't of Just. v. Reps. Comm. for Freedom of Press*, 489 U.S. 749, 772-73 (1989) (quotations omitted). With FOIA, Congress gave "an informed citizenry, vital to the functioning of a democratic society," a mechanism to "check . . . corruption and . . . hold the governors accountable to the governed." *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). Therefore, FOIA "require[s] agencies to adhere to a general philosophy of full agency disclosure," so as "to open agency action to the light of public scrutiny." *U.S. Dep't of Just. v. Tax Analysts*, 492 U.S. 136, 142 (1989) (citations and quotations omitted).

10. When agency officials intend the "unjustified suppression of information," *GTE Sylvania*, 445 U.S. at 385, FOIA gives citizens a federal-court cause of action to order the agency to produce records. Congress assigned federal courts as "protectors of the public's right to know." *Id.* at 387.

11. Mechanically, when a requester sends a FOIA request, FOIA directs the agency to "make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system." *See* 5 U.S.C. § 552(a)(3)(C). It requires agencies to make those records "promptly available." *Id.* § 552(a)(3)(A), (6)(C)(i).

12. When FOIA uses the term "records," that includes text messages as information in "any format, including an electronic format." *Id.* § 552(f)(2)(A). Therefore, upon request, FOIA requires agencies to search for text messages.

FACTUAL BACKGROUND

I. The shooting, the criticism, and the consequences

13. On September 10, 2025, someone, allegedly Tyler James Robinson, shot and killed Charlie Kirk. No reasonable person disputes the horror of this political violence. Five days later, on ABC's Jimmy Kimmel Live!, Jimmy Kimmel pointed out hypocrisies, opportunism, and inhumanity that he saw surrounding that murder. The next day in response, Carr threatened ABC's broadcast license because, he alleged, ABC failed to uphold the public interest. He explained that he wanted ABC to suspend Kimmel. The day after that, ABC suspended Kimmel.

14. Kimmel remained suspended for five days until ABC put him back on air. FCC Chair Carr got exactly what he wanted from threatening ABC's broadcast license. He punished Kimmel for his political, critical speech.

II. The FOIA request, response, the appeal, and the appeal denial

15. Because ABC so quickly implemented Carr's demand to suspend a comedian, Citizens saw grave threats to our democracy and to our rights to free speech. Citizens knew the public information showed only a fraction of the activity behind the scenes, and they decided to seek, and to make public, further records under FOIA. In January 2026, Citizens filed a FOIA request for emails and text messages that covered only 14 days and specified search terms. New Request FCC-FOIA-2026-000266 (Jan. 5, 2026), Ex. 1.

16. Citizens requested the following records:

- 1. All emails to or from FCC Chairman Brendan Carr that contain the words "Jimmy", "Kimmel", "ABC," "Charlie", or "Kirk" on or between September 10, 2025, and September 23, 2025.

- 2. All emails between or among FCC Chairman Brendan Carr and any email addresses that contain "nexstar.tv" or "sbgtv.com" on or between September 10, 2025, and September 23, 2025.

- 3. All text messages or threads, Signal messages or threads, or other messaging app messages or threads to or from FCC Chairman Brendan Carr that contain the words "Jimmy", "Kimmel", "ABC," "Charlie", or "Kirk" on or between September 10, 2025, an September 23, 2025.

Id.

17. In March 2026, the FCC responded by letter. Letter from Kristi Thompson to Jared Pettinato (Mar. 13, 2026), Ex. 2. It explained it had produced some emails on its reading room website, under "Part 4 of the bullet titled 'Jimmy Kimmel.'" https://www.fcc.gov/general/freedom-information-act-electronic-reading-room. The letter also claims, "[t]he Office of the Chairman searched for additional responsive records. The search produced no additional records responsive to your request." The FCC produced zero text messages, except for one embedded in an email. Carr had taken a screenshot of that text message and emailed it to himself. Excerpts from Reading Room FOIA Kimmel Part 4, Ex. 3. The lack of text messages demonstrated the FCC undertook no reasonable search for text messages.

18. Citizens appealed in March 2026 from that insufficient response. Citizens explained the FCC has the technical capacity to search Carr's cellphone for responsive text messages. Letter from Jared Pettinato to Adam Candeub (Mar. 31, 2026), Ex. 4. Again, Citizens requested the text messages.

19. The FCC denied Citizens' appeal. It pointed to the single, email-embedded text—as if that qualified as a reasonable search for text messages. Email from Kristi Thompson to Citizens@ConstitutionalIntegrity.org (Apr. 28, 2026), Ex. 5. It asserted, "As you can see, staff did in fact search for text messages and produced copies of text messages located in that search." *Id.*

COUNT 1

20. Citizens hereby adopt by reference the previous paragraphs.

21. Citizens requested text messages and reasonably described them.

22. The FCC possesses text messages responsive to Citizens' request.

23. FOIA requires the FCC to produce responsive records.

24. The FCC failed to produce the text messages responsive to Citizens' request because the FCC did not complete "reasonable efforts to search for the records in electronic form or format." 5 U.S.C. § 552(a)(3)(C). Searching an email database for text messages does not satisfy FOIA's obligation for a reasonable search. FOIA required searching Carr's cellphone.

25. By failing to conduct a reasonable search and by failing to produce the resulting, responsive records, the FCC violated FOIA, 5 U.S.C. § 552(a)(3)(A).

PRAYER FOR RELIEF

26. Citizens request the Court to issue the following relief:

a. Enjoin the FCC from withholding the responsive text messages and order it to search Carr's cellphone and to produce them;

b. Declare FOIA entitles Citizens to production of the text messages;

c. Order the FCC to search Carr's cellphone and to produce the responsive text messages by a deadline;

d. Award Citizens their reasonable attorneys' fees and costs under 5 U.S.C. § 552(a)(4)(E); and

e. Provide further relief as necessary or appropriate.

Dated June 8, 2026,

/s/ Jared S. Pettinato
JARED S. PETTINATO
Attorney for Plaintiff

Kristi Thompson

From: Katie McAuliffe
Sent: Tuesday, April 28, 2026 9:54 AM
To: Greg Watson; Adam Jackman; Allison Howell
Subject: Fw: [EXTERNAL]: Disney: call me / Semafor media inquiry

Press inquiry

~ Katie McAuliffe
Policy Advisor
Chairman Carr
Federal Communications Commission

From: Rohan Goswami <rgoswami@semafor.com>
Sent: Tuesday, April 28, 2026 9:02 AM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Subject: [EXTERNAL]: Disney: call me / Semafor media inquiry

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Hey Katie — we've heard something about the Disney situation, could you please give me a call when you have a second this AM?

(b) (6)

Kristi Thompson

From: Alexander Sanjenis
Sent: Monday, April 27, 2026 7:40 PM
To: Allison Howell
Subject: FW: [EXTERNAL]: Fw: NRB Complaint Regarding Jimmy Kimmel Live! Broadcast

Allison,

(b) (5) [redacted]

From: Nic Anderson <nanderson@nrb.org>
Sent: Monday, April 27, 2026 4:39 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: [EXTERNAL]: Fw: NRB Complaint Regarding Jimmy Kimmel Live! Broadcast

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Greetings, Alexander-

My name is Nic Anderson, and I'm honored to serve in a dual role as Vice President of Public Policy for the National Religious Broadcasters (NRB) and Vice President of Government Affairs for Salem Media Group. Together, these roles place me at the intersection of faith-based media and federal policy.

I understand Erin is currently out of the office on medical leave, so I wanted to forward along the note I had just sent to her.

I've been developing a strong working relationship with Erin in both of my roles, and she has been very helpful with various questions and requests over time. I wanted to make sure she was aware that NRB has filed a formal complaint for FCC review regarding the April 23 broadcast of ABC's *Jimmy Kimmel Live!* and to ensure it was on her radar in case she, or Chairman Brendan Carr, had any questions after reviewing it.

I appreciate your time and wanted to make sure this was properly brought to your attention while Erin is away.

Please let me know if you have any questions.

Nic

NIC ANDERSON

Vice President, Public Policy

Cell/Text: (b) (6)

Email: nanderson@nrb.org

NRB ASSOCIATION | NRB CONVENTION

NRB
An Association of
Christian Communicators

From: Nic Anderson <nanderson@nrb.org>
Sent: Monday, April 27, 2026 3:21 PM
To: Erin Boone <erin.boone@fcc.gov>
Subject: NRB Complaint Regarding Jimmy Kimmel Live! Broadcast

Erin,

Hope you're doing well.

I wanted to flag for you that NRB has submitted the attached complaint/request for FCC review regarding the April 23 broadcast of ABC's *Jimmy Kimmel Live!*.

The concern stems from Jimmy Kimmel's monologue during what was framed as a parody of the upcoming White House Correspondents' Dinner. Specifically, he made the comment to First Lady Melania Trump: "Mrs. Trump, you have the glow of an expectant widow."

As everyone now knows, just two days later there was an assassination attempt involving the President and other federal officials at that same event. Given that timing and the seriousness of the circumstances, NRB believes the comment deserves closer review. We are simply asking the Commission to review the facts, investigate appropriately, and determine whether further action is warranted.

I wanted to make sure this was on your radar directly.

As always, appreciate your time and all your help, and if you have any questions, by all means please let me know.

Nic

NIC ANDERSON

Vice President, Public Policy

Cell/Text: (b) (6)

Email: nanderson@nrb.org

NRB ASSOCIATION | **NRB CONVENTION**

NRB
An Association of
Christian Communicators

Kristi Thompson

From: Adam Jackman
Sent: Tuesday, May 5, 2026 2:49 PM
To: Greg Watson; Allison Howell
Cc: Katie McAuliffe
Subject: FW: [EXTERNAL]: Fwd: A Radio Battle in the Mississippi Delta

Follow Up Flag: Follow up
Flag Status: Completed

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Steve Herman (b) (6)
Sent: Tuesday, May 5, 2026 2:43 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Subject: [EXTERNAL]: Fwd: A Radio Battle in the Mississippi Delta

You don't often get email from radiotokyo@gmail.com. Learn why this is important

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A Radio Battle in the Mississippi Delta

The FCC license of a one-man radio station is in jeopardy. Its owner acknowledges multiple rules violations, but also blames a rival for placing a regulatory target on his back.

STEVE HERMAN

MAY 5

READ IN APP

The Federal Communications Commission chairman's regulatory pressure on Disney/ABC (market cap $180 billion) for airing late night comedic content that attacks President Donald Trump has been big news. But there may be no broadcaster too small for Brendan Carr to place under similar scrutiny. That includes a Mississippi Delta AM radio station where the FCC's attention is no joke.

Drivers along County Road 518, also known as Money Road, north of Greenwood might miss it if they blink – a white shack in a 16-acre field with three transmission towers, less than a mile from the grave of legendary bluesman Robert Johnson alongside a tributary of the Tallahatchie River. This is WABG, a relic of a bygone era when AM radio ruled America's airwaves. These days it is a struggling Black-owned station mostly playing local tunes, the Mississippi Delta blues.

WABG (the self-proclaimed Awesome A-M 960), is a mom n' pop station in industry parlance. Pop, in this case, is a Mississippi native, Bennie J. Wells, who subsidizes the operation with his U.S. Air Force pension and Social Security checks.

"I continue to lose money on the station, but it is not about making money, it is about making a difference," says Wells, known on-air as (James) Poe.

WABG's one-kilowatt signal (required to be lowered to 500 watts maximum power after sunset to prevent potential interference to distant stations on the same frequency) can be heard as far north as Clarksdale and south to Yazoo City. But blues musicians and tourists from around the world seem to find their way to the station's tiny studio.

Steve Herman is the Newsguy at the Newslab. Subscriptions to our writings will always be free.

Subscribed

Letters to the FCC from grassroots supporters, including those who listen online in Europe and Asia, attest to its small but loyal fan base.

“To deny a broadcasting license to WABG is to strike a blow against authentic African-American and Delta culture,” wrote Samuel W. Ellis of the Mississippi John Hurt Foundation to the FCC in 2020 when the federal agency was considering a petition to deny the renewal of the station’s license.

Wells has defied the odds to keep WABG on the air since 2008, when he and two friends purchased it. Back then, a 30-second commercial on the radio in Leflore County could be purchased for as little as $5.

One of Wells' partners, tired of being part-owner of a consistent money loser, later sold out to Wells and the other died. And that is one reason WABG, on the air since 1950, got into trouble with the FCC.

WABG, on April 1, in a consent decree issued by the FCC, agreed to make a $1,000 donation to the U.S. Treasury after being accused of multiple rules violations. Some of the alleged offenses, so far civil matters, were dismissed, but others stuck, including making false statements to the FCC, unauthorized transfer of control of the station more than a decade ago and failing to upload quarterly issues/program lists for five separate years, going back to 2009 and until 2017.

Wells, who acknowledges infractions and fumbling mandatory document filings, calls the station "a monster to maintain, especially in accordance with the cumbersome and outdated rules of the Communications Act of 1934."

Wells vows to "try as hard as I can to comply with their stringent requirements. For a little AM radio station, on a plantation in the Mississippi Delta, it's a nightmare to maintain, just to get the grass cut or keep the roof from leaking, to program the station on a daily basis and update the news, sports and weather. That's a 24-hour-a-day challenge."

For such a mere dot on the national broadcasting map to draw the attention of the FCC at the highest level, is rare.

Back in 1973, a New York FM station, WBAI, owned by the non-profit Pacifica Foundation and known for testing free speech boundaries (with its left-wing programming) played a recording of George Carlin. The comedian had a routine about the "seven dirty words" you cannot say on the air. WBAI broke that taboo and the resulting legal case went to U.S. Supreme Court, which ruled 5-4 that the FCC could indeed regulate indecent content. WBAI, however, did not lose its license and continued broadcasting its edgy programming to New York City, including the silliness of occasional nudity on the radio. The station was never fined for playing the Carlin monologue. It was issued a letter of reprimand.

“An anarchist’s circus,” was how the highbrow *New York Times* referred to the avant garde station.

WABG is not accused of broadcasting anything obscene; blues lyrics can be suggestive, but they usually don’t rise to the level of modern indecency.

The FCC’s Media Bureau, last Friday, in a order of reconsideration, declared that WABG had failed to upload its quarterly issues/programs list to its online public inspection file by an April 10th deadline, which was a requirement in the earlier consent decree and thus the station’s license is now under early review.

The FCC could have taken harsher, more immediate action against WABG.

“The licensee’s continued non-compliance occurring immediately after this compliance plan demonstrates a pattern of repeated willful violations over more than one license term,” says an FCC spokesperson. “The Bureau determined that the licensee’s conduct does not rise to the level of requiring a hearing or denial, but the repeated failures, including a new violation after entering the settlement, required additional oversight.”

One of the three FCC commissioners appears sympathetic to the plight of Poe, who was named an African-American leader in radio by Radio Ink magazine in 2023.

"WABG finds itself caught in the crossfire of a broader censorship and control campaign by this administration," says Anna Gomez, the lone Democrat on the commission (and whom I hosted for a Jordan Center event at the University of Mississippi last October).

"The FCC is using the early license renewal process, a tool that has not been invoked in more than half a century, to target potential violations of FCC rules that have traditionally been addressed through routine enforcement methods. The sudden designation of roughly 10 licenses for early renewal in less than a week signals something far beyond standard regulatory practice," adds Gomez.

Gomez, in response to our request for comment, sees the actions as "yet another series of actions meant to chill free speech and send a message that this administration wants to control broadcasters and bend them to its will. The

commissioner is urging broadcasters to “stand firm against these unfounded attacks.”

There’s another layer in the Delta’s fertile soil to the WABG saga.

Poe/Wells blames the owner of another station in the same small market, Larry Fuss, who has filed complaints with the FCC about WABG. Fuss owns WKXG, a country music FM station licensed to nearby Moorehead with a population of about 1,500. It is not really a competitor for WABG’s blues listeners. But the two stations fight over the same pool of advertising dollars where the poverty rate is two to four times higher than the national average, depending on the county.

Fuss, who lives in Las Vegas and has had FCC licenses for other stations as distant as American Samoa, acknowledges that a while back, perhaps 15 years ago, he would have liked to buy WABG. But he says he has changed his mind.

“I wouldn’t now because AM radio’s gone to hell and this particular radio station has really gone to hell,” says Fuss, president of the Delta Radio Network, which owns 11 FM and 2 AM stations in Mississippi. Fuss is on the board of the Mississippi Association of Broadcasters and served four years on the radio board of the powerful National Association of Broadcasters.

To characterize Wells and Fuss – a pair of baby boomers with long careers in radio -- as adversaries is to put it mildly. They accuse each other of using political and other connections to influence the FCC in the tussle over WABG.

“He’s a dirtbag,” says Fuss of Wells.

“My competitor, Larry Fuss, is a Las Vegas crook” trying to buy up all the radio stations in the Delta and steal WABG’s few remaining advertisers, alleges Wells.

Fuss, referring to himself as no big fish, in response to my questions, appears unfazed about the possible perception he’s a multi-station owner trying to strongarm a little guy. But he says he is surprised his dropping a dime on his competitor ultimately was able to draw the attention of the FCC chairman.

“Follow the rules or don’t be a licensee,” says Fuss unapologetically. His complaints to the FCC about Wells’ operation were mostly dismissed because he doesn’t live in the community and thus lacked legal standing.

In the April 1st consent decree, the Media Bureau determined the public interest will be served by renewing WABG’s license and that nothing in the record disqualifies Wells from meeting the basic qualifications to be a Commission licensee. Exactly a month later, the Media Bureau had a change of attitude and issued an order of reconsideration, stating that Wells’ failure to file the required documents for its public inspection file and previous violations over years constitute “a pattern of abuse” and the station should only be granted a short-term license for one year.

“As a Black Mississippian, it is so hard to own your own station. The racism is here. The strict regulations are in place to keep us out,” according to Wells.

Was there an invisible political hand or pressure from the chairman’s office that caused the sudden reversal? The FCC says no.

“The narrative that you present, that this is selective enforcement, that this was out of the blue after 30 days is just not consistent with the facts of the case,” replies the FCC spokesperson, who spoke on condition of not being named.

Fuss says station operators like Wells are a blight on the radio industry because they are “out there selling (radio advertising) spots for little or nothing and they can afford to do that because they don’t follow the rules.”

In his complaint to the FCC, Fuss accused Wells of other rules violations, including failing to properly maintain the beacons on WABG’s trio of 250-foot-tall towers, posing a potential hazard to aviation.

“And if you’re not going to follow those rules, then you don’t deserve to be a licensee,” insists Fuss.

The FCC’s Media Bureau in its April decision, said the tower lighting problems had been resolved and there was no evidence, as Fuss claimed, that WABG operated non-directionally at night or failed to have the required Emergency Alert System equipment.

Wells vows to fight to save his station because of his love for radio, which stretches back to his boyhood in the state capital, Jackson, when he listened to the now defunct WOKJ, which served the African-American community and was a stalwart of the civil rights movement.

“When I was a child back in Jackson and someone got burned out (by segregationist arsonists), I remember how WOKJ would mobilize the community to give food and clothes for the children and take up donations. I was hooked (on the power of radio),” Wells recalls. “WABG is priceless to me because I understand the value of radio in an underserved market like the Mississippi Delta.”

Poe in front of the WABG Radio studio building (Courtesy: WABG)

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Fredericksburg, VA 22406, USA
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Kristi Thompson

From: Katie McAuliffe
Sent: Thursday, May 14, 2026 12:19 PM
To: Allison Howell
Subject: Fw: [EXTERNAL]: Katie - I hope the attached helps you and Chairman Carr : FCC: EMPOWERING PARENTS WITH INFORMED CHOICES ON CHILDREN'S PROGRAMMING
Attachments: Ltr-2026-LettertoFCCreRatingsforLGBT.docx

~ Katie McAuliffe
Policy Advisor
Chairman Carr
Federal Communications Commission

From: Ted Baehr <ted@movieguide.org>
Sent: Thursday, May 7, 2026 2:15 PM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Sec2 <assistant@movieguide.org>; rb-2 <robby@movieguide.org>
Subject: [EXTERNAL]: Katie - I hope the attached helps you and Chairman Carr : FCC: EMPOWERING PARENTS WITH INFORMED CHOICES ON CHILDREN'S PROGRAMMING

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As requested, attached is our input on the TV Parental Guidelines Ratings.
I hope the attached helps you and Chairman Carr.
Would you want me to snail mail it too?

Ted Baehr,
Publisher
MOVIEGUIDE(R)
Member, Critics Choice Association
Producer's Guild of America (PGA) Member
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*Monthly Print Magazine
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---------- Forwarded message ---------
From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Date: Wed, Apr 22, 2026 at 6:49 AM
Subject: FCC: EMPOWERING PARENTS WITH INFORMED CHOICES ON CHILDREN'S PROGRAMMING
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>

Hey Friends, I wanted to share with you a new FCC Public Notice asking for input on the TV Parental Guidelines Ratings.

Parents have raised concerns that controversial gender identity issues are being included or promoted in children's programs without providing disclosure or transparency to parents. Specifically, the industry guidelines that parents rely on are rating shows with transgender and gender non-binary programming as appropriate for children and young children, and doing so without providing this information to parents, thereby undermining the ability of parents to make informed choices for their families.

The voluntary TV Parental Guidelines overseen by the TVOMB, if properly implemented, can be useful to ensure parents are adequately informed about video programming on television that their children may view. The industry's system allows for the display of specific ratings for programs. Programs that are designed to be appropriate for all children, including very young ones, are rated TV-Y. Programs that are designed to be appropriate for children age 7 and above are rated TV-Y7. Programs that are not specifically designed for children but are nonetheless suitable for all ages are rated TV-G. The industry's system also includes ratings for TV-PG, TV-14, and TV-MA. The TV Parental Guidelines also allow content descriptors to be included with the rating, including descriptors to let parents know that programs have sexually suggestive dialog (D), fantasy violence (FV), coarse or crude language (L), sexual situations (S), and / or violence (V). The 1996 law also required TV manufacturers to develop technology that allows parents to block material rated as violent, sexual, or otherwise flagged by the ratings system

The Public Notice seeks comment on any changes that can or should be made to the current ratings system to ensure that it is responsive to the issues that parents confront today.

Initial comments are due on May 22, 2026 & reply comments are due on June 22, 2026.

Please reach out if you have any questions or comments regarding this action.

~ Katie McAuliffe
Policy Advisor
Chairman Carr
Federal Communications Commission

MOVIEGUIDE® Letter to the FCC re Sexual "Identity" Issues

MOVIEGUIDE®: The Family Guide to Movies & Entertainment has been informing and equipping parents and grandparents about the influence of the mass media for 41 years.

During all that time, we have always been greatly concerned about the inadequacy of ratings systems to inform families, parents and grandparents about the content of, first, movies, then TV programs. With the advent of premium channels on Cable TV and now Subscription Video on Demand (SVOD), or streaming, outlets such as Netflix, Disney+, Paramount+, Hulu, and Shudder, our concerns have only grown exponentially.

In the last few years, we have noticed that Cable TV channels and streaming outlets have increasingly produced children's programming with TV-Y and TV-Y7 ratings containing content with controversial "transgender," homosexual, "gender identity," and "non-binary" characters (including pre-teen characters) and references.

MOVIEGUIDE® strongly believes that such content does not belong in programs or movies rated TV-Y, TV-Y7, TV-G, TV-PG, G, or PG. We also strongly believe that in programs and movies rated TV-14, TV-MA, PG-13, and R, the ratings need to alert the public whether such content appears in these cultural artifacts. Parents, and adults of all ages for that matter, need to be informed about such content so they can make informed choices for their children, and for themselves, about their media consumption. We've included the TV-14, TV-MA, PG-13, and R ratings because we have noticed that more and more TV programs and movies are also including such content in their teenage and adult programming.

The Federal Communications Commission (FCC) and the TV Oversight Management Board (TVOMB) is rightfully concerned about he general public's concerns about this mature content. Especially since many filmmakers and television artists seem to be deliberately including this content to score political points, to attack people who react negatively to such content, and to seduce more and more young children and teenagers into lifestyles and life decisions that may cause them not only permanent mental distress but also actual permanent physical harm.

Thus, MOVIEGUIDE® not only believes that the TV ratings and descriptions should be changed and updated. We also believe that the FCC and the TVOMB need to make a strong effort to monitor the ratings and content descriptions of movies and programs telecast on Network TV Cable TV and SVOD outlets to ensure their accuracy. Random audits of original movies and programs may be a good idea.

In that light, we also support an increased transparency in the TVOMB and in the ratings system, more promotion to the public of the TVOMB's role in overseeing the ratings system, stronger efforts to inform the public of the number and nature of complaints it receives plus the program and outlet and producer involved, and any action the TVOMB may have taken in response to the complaints.

Finally, MOVIEGUIDE® fully supports a stronger effort to ensure that the TVOMB's composition not only reflects a diversity of racial, sexual and age categories but also a diversity of broad ideological categories, including a fair representation of Christians and Jews and a fair representation of parents and grandparents. Hundreds of thousands of studies clearly have shown that the mass media has an inordinate influence on the hearts and minds of impressionable

children and teenagers but also on the hearts and minds of adults, young, middle-aged and elderly.

The FCC must fix the ratings system. The FCC must address parental concerns about the sexual and ideological content in movies and television programs.

Our recommendations are not an attempt to censor anyone. They are an effort to ensure informed consent.

Thank you for your consideration.

Sincerely,

Dr. Ted Baehr, Founder/Chairman

Good News Communications, Inc. dba

MOVIEGUIDE®: The Family Guide

To Movies and Entertainment

Kristi Thompson

From: Alexander Sanjenis
Sent: Friday, May 8, 2026 11:09 AM
To: Allison Howell
Subject: FW: [EXTERNAL]: Petition for Declaratory Ruling
Attachments: As filed - Petition for Declaratory Ruling.pdf

FYI

From: Tatel, Jennifer <JTatel@wbklaw.com>
Sent: Friday, May 8, 2026 11:03 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: [EXTERNAL]: Petition for Declaratory Ruling

You don't often get email from jtatel@wbklaw.com. Learn why this is important

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Alex and Sima,

Attached please find a courtesy copy of a Petition for Declaratory Ruling filed yesterday.

Please let me know if you have any questions.

Thanks,
Jennifer

WILKINSON) BARKER) KNAUER) LLP

Jennifer Tatel
Partner, Management Committee Member
1800 M Street NW Suite 800N
Washington, DC 20036
Tel: 202.383.3344
JTatel@wbklaw.com
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

May 7, 2026

Summary

The Commission's order to file this Petition for Declaratory Ruling is unprecedented, beyond the Commission's authority, and counterproductive to the Commission's stated goal of encouraging free speech and open political discussion. The Commission's actions threaten to upend decades of settled law and practice and chill critical protected speech, both with respect to *The View* and more broadly.

The View has been broadcasting under a bona fide news exemption granted to it more than twenty years ago, consistent with longstanding Commission interpretations designed to minimize the serious First Amendment problems inherent in the equal time regime.[1] *The View*'s exemption remains valid and the constitutional infirmities in the equal time doctrine are even more pronounced today, when the broadcast airwaves account for a slice of the numerous media options through which Americans get their political information. Indeed, the marketplace of ideas has never been more robust, and people can hear virtually any brand of political commentary by listening to a podcast, watching cable, scrolling social media, or streaming on a phone, computer or connected TV. The free flow of ideas flourishes on these non-broadcast platforms even though the equal opportunities rule does not apply there.

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[1] *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Although the line up of the co-hosts has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

The public interest would best be served by supporting broadcasters' efforts to maintain their place in this marketplace of ideas. Narrowing the Commission's long-established approach to bona fide news exemptions, however, would risk restricting political discourse exactly when it is needed most. While candidates are always able to connect with voters on cable, podcasts, and social media, specifically requiring broadcast airtime for all qualified candidates does not expand speech; rather, it makes coverage infeasible, which ultimately reduces it. In California's upcoming gubernatorial "jungle primary," for instance, affording equal time would mean accommodating over 60 legally qualified candidates, regardless of their perceived newsworthiness. The government should neither suppress nor compel speech in support of any political viewpoint in order "to achieve [the state's] own conception of speech nirvana."[2] That includes telling a private publisher "how to exercise their editorial discretion about what content to carry or favor."[3]

Some may dislike certain—or even most—of the viewpoints expressed on *The View* or similar shows. Such dislike, however, cannot justify using regulatory processes to restrict those views. The government does not get to decide "what shall be orthodox in politics, nationalism, religion, or other matters of opinion."[4] Or which "ideas and beliefs [are] deserving of expression [and] consideration."[5] The danger is that the government will simply decide which perspectives to regulate and which to leave undisturbed. In fact, while the Commission now questions *The View*'s decades-long exemption, it has not expressed any inclination to apply a similar

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[2] *Moody v. NetChoice, LLC*, 603 U.S. 707, 742 (2024).

[3] *U.S. Telecom Ass'n v. FCC*, 855 F.3d 381, 435 (D.C. Cir. 2017) (Kavanaugh, J., dissenting from denial of rehearing en banc).

[4] *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

[5] *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994).

interpretation of the equal opportunities rule to other broadcasters, including the many voices—conservative and liberal—on broadcast radio. And as a broad array of voices, including many conservatives, have recognized, if the government is allowed to discriminate on the basis of viewpoint in a Republican administration, there is little preventing it from doing so when the Democrats are in charge.[6]

Until now, it has never been disputed that *The View* qualifies as a bona fide news interview program. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau confirming that status. That Declaratory Ruling remains in full force and effect. The Commission has taken no action over the last two decades to modify or overturn the Declaratory Ruling and there is no basis for doing so now. Given that KTRK Television acted in good faith reliance on the Declaratory Ruling and the consistent guidance provided by the Commission for decades, the Commission cannot find now that KTRK Television violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.

Nevertheless, at the end of March, the Media Bureau ordered KTRK Television to file another Petition for Declaratory Ruling regarding *The View*'s status as a bona fide news interview program. In parallel, on April 28, 2026, the Media Bureau issued an extraordinary order demanding the early filing of all of ABC's license renewal applications, including for KTRK-TV. Combined with the Commission's other recent actions, including publicly

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[6] *See, e.g.*, Alexandra Koch, *Cruz warns conservatives 'will regret' FCC censorship push against ABC, other media outlets*, Fox News (Sept. 19, 2025), https://foxnews.com/politics/cruz-warns-conservatives-will-regret-fcc-censorship-push-against-abc-other-media-outlets; Ben Shapiro, *Glad Kimmel's Gone But Don't Overreach*, The Daily Wire (Sept. 18, 2025), https://www.dailywire.com/news/glad-kimmels-gone-but-dont-overreach.

announcing its investigation concerning *The View* and presaging an outcome,[7] this suggests that the Commission is implementing major shifts in policy and practice, including how the Commission intends to apply the equal opportunities requirements. Such an abrupt and substantial change in long-established policy requires the action of the full Commission and the oversight of the courts.

The View continues to qualify as a bona fide news interview program because it continues to meet all of the legal requirements set forth by Congress and the Commission. Specifically, (1) *The View* is a regularly scheduled program, (2) *The View* is fully controlled by ABC, which produces the show for broadcast by the ABC Television Network, and (3) decisions concerning *The View*'s format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy. With respect to whether a broadcaster's programming decisions are based on newsworthiness, the Commission has long recognized that it was Congress's intent that the Commission respect the good faith news judgments of broadcast licensees.

Uncertainty as to the scope of broadcast licensees' editorial discretion threatens to limit news coverage of political candidates and chill core First Amendment-protected speech for years and potentially decades to come. As the 2026 midterm election approaches, the American people need more access to political news and more exposure to political candidates, not less. The Commission therefore must act quickly to assure broadcasters that it will uphold long-established legal standards by affirming that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

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[7] *See, e.g.*, Madison Columbo, *FCC chair warns 'The View' faces 'uphill climb' in equal-time probe*, Fox Business (Feb. 27, 2026), https://www.foxbusiness.com/media/fcc-chair-warns-the-view-faces-uphill-climb-equal-time-probe.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

I. INTRODUCTION.

By this Petition, KTRK Television, Inc. ("KTRK Television"), licensee of station KTRK-TV, Houston, Texas ("KTRK"), and its parent company, American Broadcasting Companies, Inc. (individually and together with KTRK Television, "ABC"), comply with the Commission's unprecedented order to request that the Commission affirm that *The View* is a "bona fide news interview" program under 47 U.S.C. § 315(a).[8] The Commission has analyzed this program already, and the factors that drove that decision remain controlling today. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau that *The View* qualifies as a bona fide news interview program. Consistent with that ruling, hundreds of political candidates across the political spectrum and other notable and newsworthy figures have appeared on *The View* over the past two decades, in full compliance with the Act and the Commission's rules.

However, as the 2026 election season approaches, recent statements from the Commission suggest a significant change in how it will apply its long-standing rules and

[8] While the Commission's order was directed to KTRK Television, the existing Declaratory Ruling was issued to ABC.

standards concerning the bona fide news exemptions to the equal opportunities requirements. On January 21, 2026, the FCC's Media Bureau released a *Public Notice* which purports to provide guidance on the equal opportunities requirement.[9] Rather than provide clarity, however, the *Public Notice* has created harmful ambiguity in an area where none previously existed and has a chilling effect on First Amendment-protected free speech on the eve of the 2026 elections. The *Public Notice* states that the Media Bureau "has not been presented with any evidence" that any current late night or daytime television talk show would qualify as a bona fide news interview program.[10] The *Public Notice* thus "encourages" any program or station that wishes to obtain formal assurance that it qualifies for the bona fide news exemption to file a request for declaratory ruling. The *Public Notice* reiterates certain elements of the standards that have long applied to the equal opportunities requirements and the bona fide news exemption, while simultaneously casting doubt on whether the Commission would continue to interpret those standards consistently with the approach it has taken for over 40 years.[11]

On February 11, 2026, the Media Bureau sent a Letter of Inquiry ("LOI") to KTRK Television concerning the appearance of senatorial primary candidate James Talarico on *The*

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[9] *FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations*, Public Notice, DA 26-68 (rel. MB Jan. 21, 2026) ("*Public Notice*").

[10] *Id.* at 4. The *Public Notice* conspicuously omits any reference to radio broadcasters.

[11] The *Public Notice* also contradicts prior Commission statements that formal petitions for declaratory ruling are not necessary for stations to be covered by the bona fide news exemptions. *See Request of Infinity Broadcasting Operations Inc.*, Declaratory Ruling, 18 FCC Rcd 18603, 18604 (MB 2003) ("*Infinity Declaratory Ruling*") ("[W]e emphasize that licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not seek formal declaration from the Commission that that such programs qualify as news exempt programming under Section 315(a).").

View, which aired on KTRK on February 2, 2026.[12] The LOI inquired whether the station had placed a record of the Talarico appearance in the station's political file and whether KTRK Television took the position that *The View* qualified as a bona fide news interview program. KTRK Television responded on February 12, 2026 that *The View* qualifies as a bona fide news interview program and, accordingly, the station had not placed a record of the Talarico appearance in the station's political file.

On March 26, 2026, the Media Bureau sent KTRK Television a Supplemental Letter of Inquiry ("SLOI") stating that it needed additional information concerning the matter.[13] The Bureau based its need for further inquiry on its assertion that "19 ABC affiliates serving parts of Texas all filed a notice of Mr. Talarico's February 2 appearance on *The View* pursuant to 47 CFR § 73.1943."[14] Thus, the Bureau suggested, "the assertion by KTRK Television, Inc. that *The View* qualifies for the *bona fide* news interview exception is not a position uniformly held by broadcasters that air the program."[15] The Bureau neglected to note, however, that while certain ABC affiliates documented Talarico's appearance in their online public inspection files, the filings were made more than two weeks after Talarico's appearance and apparently at the request of the FCC, which reportedly promised to eschew enforcement for the late filing. KTRK Television received no such request and no such offer, despite the Bureau specifically contacting

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[12] Letter from Erin Boone, Acting Chief, Media Bureau, FCC, to KTRK Television Inc., KTRK, Houston, TX (Fac. Id. 35675) (Feb. 11, 2026) ("LOI").

[13] Letter from Erin Boone, Chief, Media Bureau, FCC, to KTRK Television, Inc., KTRK, Houston, TX (Fac. Id. 35675), at 3 (Mar. 26, 2026) ("SLOI").

[14] *Id.*

[15] *Id.*

it about the Talarico appearance less than 10 days after it occurred.[16] The Bureau concluded the SLOI with an unprecedented order: "[W]e direct KTRK Television, Inc. to produce and submit to the Commission a petition for declaratory ruling regarding *The View* that satisfies the statutory requirements for a bona fide news exemption."[17]

The Bureau lacks the authority to issue an order mandating a licensee to file a petition for declaratory ruling. In support of its unprecedented order, the Bureau cited to the Commission's general authority to issue orders and conduct its proceedings as necessary to execute its functions.[18] Such authority, however, gives the Commission latitude to determine the manner in which it conducts its business, not blanket authority to order licensees to file petitions or initiate legal proceedings. Moreover, such an order flatly contradicts prior statements that "licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not

[16] At the time of the February 11, 2026, LOI, it appears that *none* of the 19 ABC affiliates referenced by the Media Bureau had seen fit to place a notification of the February 2 Talarico appearance in their political files.

[17] *Id.* On April 28, 2026, the Bureau issued an extraordinary order demanding that KTRK Television, along with all of ABC's broadcast licensees, file their license renewal applications years ahead of schedule, and has cited as its rationale the inadequacy of the Company's response to the FCC's investigation into the Company's diversity, equity, and inclusion (DEI) practices. *The Walt Disney Company, American Broadcasting Company, et. al.*, Order, DA 26-416, ¶ 2 n.1 (MB rel. Apr. 28, 2026). In that DEI investigation, the Company received a Letter of Inquiry from the Enforcement Bureau on June 5, 2025, and promptly negotiated an agreed scope and timetable for its responses with the Bureau. Between July and September 2025, the Company produced over 6,200 pages of documents in response consistent with the schedule and scope agreed to by the Bureau. The Company next heard from the Commission five months later when the Commission issued an expansive Supplemental Letter of Inquiry. The Company completed its response to the Supplemental Letter of Inquiry on April 21, 2026, on the timetable agreed to by the Bureau, producing a 38 page narrative response to the Commission's 78 additional written requests and producing an additional 4,839 pages of documents—one week before the Bureau's order requiring early license renewal applications.

[18] *Id.* (citing 47 U.S.C. § 154(i) and(j) and 47 C.F.R. § 1.1).

seek formal declaration from the Commission that such programs qualify as news exempt programming under Section 315(a)."[19]

As for the merits, the Commission should interpret the exception to cover *The View* to avoid the serious constitutional problems that would arise from applying the equal opportunities rule to the program. While the Supreme Court may once have upheld the FCC's distinct "personal attack" and "political editorial" regulations,[20] the fundamental factual predicates of that decision no longer exist. The decision to hold broadcasters—and broadcasters alone—to a different First Amendment standard was dubious then and unsupportable now. In the absence of any meaningful scarcity of information resources, it is difficult to see how the equal opportunities rule can survive First Amendment scrutiny. The Commission should avoid those constitutional concerns by affirming that *The View* still qualifies for a Section 315(a) exemption as a bona fide news interview program.

As noted above, the Commission previously ruled that *The View* is exempt from the equal opportunities requirements as a bona fide news interview program. There has been no subsequent action from the Commission modifying or overturning that ruling. As KTRK (and all other stations airing *The View*) acted in accordance with that determination, the Commission cannot find that KTRK Television or any other licensee violated any aspect of those requirements with respect to the appearance of Talarico or any other political candidate on *The View*.

ABC stresses its full commitment to compliance with all regulations, statutes and, of course, the Constitution, and believes it has acted consistently with them. As demonstrated herein, there can be no doubt that *The View* continues to qualify as an exempt bona fide news

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[19] *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

[20] *Red Lion Broad. Co. v. FCC*, 395 U.S. 367 (1969).

interview program. As additional elections approach, however, ABC and similarly situated broadcasters face complex programming decisions, including with respect to bookings of legally qualified candidates. Uncertainty fostered by the *Public Notice* as to the scope of broadcast licensees' editorial discretion and, conversely, their obligation to air material that they otherwise might not, chills core First Amendment-protected speech.

Because of this uncertainty and its harmful effects on free speech, it is critical that the Commission act quickly to reaffirm its long-standing principles concerning bona fide news programming, as well as *The View*'s qualification as a bona fide news interview program. Affirming *The View*'s exempt status will advance the Congressional mandate to bring "the news concerning political races to the greatest number of citizens,"[21] support the public interest service provided by broadcast station licensees, and ratify the Commission's dedication to core First Amendment principles. Indeed, constitutional avoidance compels *The View*'s continued qualification for an equal opportunities exemption.

It is equally critical that any further action in this matter be conducted via consideration by and a vote of the full Commission and not by Media Bureau staff acting under delegated authority. While the Commission may delegate some functions to Bureau staff, changes in long-standing Commission rulings can only be made by the Commission itself.[22] The Commission established its current approach to bona fide news interview programs over 40 years ago and has consistently applied it ever since. Changes in the law must come from the Commission itself, not Bureau staff. In addition, because this matter will impact elections—many of which are in full swing—it is vital that this matter be resolved quickly by the Commission and, if necessary,

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[21] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

[22] *See* 47 U.S.C. §§ 155(c)(1)-(3); 47 C.F.R. § 0.5(c).

the courts. Bureau level action in this matter would only result in delay that will chill time sensitive news coverage of elections. News delayed is news denied and, as Senators Ted Cruz and Maria Cantwell recently reminded the Commission, "[t]hat concern is not merely academic. Process choices in high-profile cases establish precedent."[23]

ABC therefore requests that the Commission act expeditiously to affirm its long-standing approach to the bona fide news interview exemption and the Commission's continued support of the public interest services provided by broadcast stations.

II. FIRST AMENDMENT CONSIDERATIONS MUST GOVERN THE COMMISSION'S ACTIONS.

A. The Equal Opportunities Rule Raises Profound First Amendment Concerns.

The First Amendment emphatically protects "both the right to speak freely and the right to refrain from speaking at all."[24] Since "all speech inherently involves choices of what to say and what to leave unsaid," it is bedrock law that "one who chooses to speak may also decide 'what not to say.'"[25] For the broadcast media, each right is equally important. Curating news programming requires editorial decisions about what stories, guests, and topics to feature—choices that inevitably require trade-offs. Those decisions define a broadcaster's speech offering and its contribution to public discourse. And those editorial decisions are especially important today, as broadcasters attempt to inform and entertain the public in competition with a cacophony of other voices and sources of information, from cable television to social media to artificial intelligence tools. The First Amendment thus protects "editorial discretion in the

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[23] Letter from Ted Cruz & Maria Cantwell to Brendan Carr, Chairman, FCC (Mar. 30, 2026) (Chair & Ranking Member, Senate Committee on Commerce, Science, and Transportation).

[24] *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

[25] *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995).

selection and presentation" of speech.[26] Under the First Amendment, the government is not in the business of compelling or suppressing speech to achieve officials' ideal or preferred news presentations.

Governments are free to criticize private speech, but not to compel or suppress it. When the government has sought to shape the news landscape, the Supreme Court has roundly rejected those efforts. In *Miami Herald Pub. Co. v. Tornillo*, for instance, the Court invalidated a Florida law requiring newspapers to offer political candidates space to respond to negative press.[27] The Court stressed that the "choice of material to go into a newspaper, and the decisions made as to … treatment of public issues and public officials—whether fair or unfair—constitute the exercise of editorial control and judgment," which is itself protected speech.[28] Whatever interest the state may have had in "ensur[ing] that a wide variety of views reach[ed] the public" is not sufficiently compelling to force a newspaper to "print that which it would not otherwise print."[29]

That is hardly the only context in which the Court has rejected the notion that the government may restrict the First Amendment rights of private parties in service of "balancing" the public's information diet. Most recently, the Court rejected state efforts to force social media companies to disseminate speech in order "to achieve [the state's] own conception of speech nirvana."[30] Whatever the medium, the government may not tell private parties "how to exercise their editorial discretion about what content to carry or favor."[31] The government may not "tell

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[26] *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 674 (1998).

[27] *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256 (1974).

[28] *Id.* at 258.

[29] *Id.* at 248.

[30] *Moody*, 603 U.S. at 742.

[31] *U.S. Telecom Ass'n*, 855 F.3d at 435 (Kavanaugh, J., dissenting from denial of rehearing en banc).

Amazon or Politics & Prose what books to promote; or tell *The Washington Post* or the *Drudge Report* what columns to carry; or tell ESPN or the NFL Network what games to show; or tell *How Appealing* or *Bench Memos* what articles to feature; or tell Twitter or YouTube what videos to post; or tell Facebook or Google what content to favor."[32]

The equal opportunities rule operates in the teeth of these principles, compelling and chilling speech by broadcasters. The rule provides, in relevant part, that "[i]f any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."[33] By forcing broadcasters to air *all* qualified candidates without regard to their newsworthiness, the rule squelches editorial discretion: Sometimes that means a broadcaster will be compelled to change its offerings and broadcast speech it views as unnewsworthy, and sometimes it means a broadcaster will self-censor and refrain from speech it believes is newsworthy to avoid obligations to multitudes of less-newsworthy aspirants to elected office. The equal opportunities rule is utterly irreconcilable with the Court's repeated admonitions that "a speaker has the autonomy to choose the content of [its] own message."[34] Just as the government may not compel private parties to convey its own message,[35] it may not compel one private speaker to convey the message of another.[36]

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[32] *Id.*

[33] 47 U.S.C. § 315(a).

[34] *Hurley*, 515 U.S. at 573.

[35] *W. Va. State Bd. of Educ.*, 319 U.S. 624.

[36] *303 Creative LLC v. Elenis*, 600 U.S. 570, 588-89 (2023); *Hurley*, 515 U.S. at 573; *Pac. Gas and Elec. Co. v. Pub. Utils. Comm'n*, 475 U.S. 1, 11 (1986) (plurality op.); *Tornillo*, 418 U.S. at 258.

To be sure, the Supreme Court's decision in *Red Lion* held that those principles applied somewhat differently in the 1960s broadcasting context.[37] But *Red Lion*'s factual predicates no longer obtain.[38] The *Red Lion* Court upheld the FCC's "personal attack" and "political editorial" regulations, reasoning that these aspects of the fairness doctrine were permissible in view of scarce broadcast spectrum and the right of the public to information.[39] These justifications were dubious then—"[t]he text of the First Amendment makes no distinctions among print, broadcast, and cable media,"[40] and in any event "[a]ll economic goods are scarce, not least the newsprint, ink, delivery trucks, computers, and other resources that go into the production and dissemination of print journalism."[41] But they are unsupportable now in an age of information ubiquity. The public does not rely on compelling broadcasters' speech "to receive suitable access to social, political, esthetic, moral, and other ideas and experiences,"[42] when seemingly endless sources of information abound at the tap of a smartphone. Indeed, *Red Lion* itself "implied that its result would have been different in the absence of such a [scarcity] predicate,"[43]—a reservation to which the Court,[44] and several justices,[45] have subsequently alluded.

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[37] *Red Lion*, 395 U.S. at 386-93.

[38] *See FCC v. Fox Television Stations, Inc*., 556 U.S. 502, 530 (2009) (Thomas, J., concurring).

[39] 395 U.S. at 389-92.

[40] *Denver Area Educ. Telecomm. Consortium, Inc. v. FCC*, 518 U.S. 727, 812 (1996) (Thomas, J., joined by Rehnquist, C.J. and Scalia, J., concurring in part).

[41] *Telecommunications Rsch. & Action Ctr. v. FCC*, 801 F.2d 501, 508 (D.C. Cir. 1986).

[42] *Red Lion*, 395 U.S. at 390.

[43] *Time Warner Ent. Co., L.P. v. FCC*, 105 F.3d 723, 725 (D.C. Cir. 1997) (Williams, J. dissenting from denial of rehearing en banc).

[44] *FCC v. League of Women Voters of Cal.*, 468 U.S. 364, 376 n.11 (1984).

[45] *Fox Television Stations*, 556 U.S. at 533 (Thomas, J., concurring).

Shorn of scarcity concerns that are no longer tenable, the equal opportunities rule is in serious tension with the First Amendment. Much as with Section 315(a), the State in *Tornillo* argued that the right-of-reply statute was critical "to ensure that a wide variety of views reach the public."[46] The press, the State lamented, had become "enormously powerful and influential in its capacity to manipulate popular opinion and change the course of events."[47] The "result," the state continued, was "to place in a few hands the power to inform the American people and shape public opinion," leading to "homogeneity of editorial opinion, commentary, and interpretive analysis" and "abuses of bias and manipulative reportage."[48] The Court refused to allow these fears to override the speech rights of newspapers, finding that the law's blatant "intrusion into the function of editors" decidedly failed to "clear the barriers of the First Amendment."[49] The Court has rejected precisely the same speech-balancing rationale in invalidating a ban on public-broadcaster editorializing.[50] *League of Women Voters of Cal.* emphasized that determining the constitutionality of broadcaster regulations "requires a critical examination of the interests of the public and broadcasters in light of the particular circumstances of each case,"[51] and ultimately struck down the policy.

Because Section 315(a) "restrict[s] precisely that form of speech which the Framers of the Bill of Rights were most anxious to protect—speech that is 'indispensable to the discovery

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[46] 418 U.S. at 247-48.

[47] *Id.* at 249.

[48] *Id.* at 250.

[49] *Id.* at 258.

[50] *League of Women Voters of Cal.*, 468 U.S. at 398 (invalidating the Communications Act's prohibition in Section 399 for noncommercial broadcast stations that received grants from the Corporation for Public Broadcasting from engaging in editorializing).

[51] *Id.* at 381.

and spread of political truth'—[courts] must be especially careful in weighing the interests that are asserted in support of this restriction and in assessing the precision with which" the requirement operates.[52] It is difficult to see how Section 315(a) can survive that "careful … weighing." In short, if the Supreme Court were to consider the question anew—as several Justices have suggested it should—it is hard to see how it could hold the equal opportunities rule constitutional.

B. At Minimum, the Equal Opportunities Rule Could Not Survive Constitutional Scrutiny Without a Robust Bona Fide News Exemption.

At a minimum, the equal opportunities rule could not survive constitutional scrutiny without the kind of robust bona fide news exemption that the Commission has applied for decades. "When legislation and the Constitution brush up against each other," an agency's "task is to seek harmony, not to manufacture conflict."[53] By adding the bona fide news exemption to the equal opportunities rule, Congress provided a means by which the rule can be "construed to avoid serious constitutional doubts."[54] But the bona fide news exemption can operate as a First Amendment pressure-release valve only if the Commission maintains the robust interpretation of the exemption that it has long employed.

The equal opportunities rule was adopted as part of the Radio Act of 1927 to help ensure that candidates for public office were treated in an equal manner with respect to access to broadcast facilities. This was particularly important at that time and for the next several decades, when broadcast radio and television represented the sole forms of mass media and the only

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[52] *Id.* at 383.

[53] *United States v. Hansen*, 599 U.S. 762, 781 (2023).

[54] *Fox Television Stations*, 556 U.S. at 516.

means by which political candidates could communicate their direct message to mass audiences. Nevertheless, Congress had come to recognize even by the time of *Red Lion* that the equal opportunities rule imposed substantial burdens on, and threatened to chill, broadcast stations' coverage of political information. That concern became particularly acute after the Commission reversed longstanding precedent and imposed equal-opportunities obligations based on candidate appearances during newscasts.[55]

Congress responded in 1959 by adding the bona fide news exemption to foster coverage of political campaign activity and preserve broadcasters' discretion to exercise their good faith news judgment in deciding which candidates to cover and in what formats.[56] As the legislative history confirms, Congress's goal in doing so was "to enable what probably has become the most important medium of political information to give the news concerning political races to the greatest possible number of citizens, and to make it possible to cover the political news to the fullest degree."[57] To that end, Congress provided:

> Appearance by a legally qualified candidate on any—
>
> (1) bona fide newscast,
> (2) bona fide news interview,
> (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
> (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

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[55] *Petitions of Columbia Broadcasting System, Inc., and National Broadcasting Co*., Interpretive Opinion, 26 F.C.C. 715 (1959); *see Chisholm v. FCC*, 538 F.2d 349, 351-52 (D.C. Cir. 1976).

[56] *See, e.g.*, 105 Cong. Rec. 14446 (1959) (statement of Sen. McNamara) (the amendments leave "the control of news coverage of politics in the hands of the broadcasters"); *see also Request by Multimedia Entertainment, Inc. for Declaratory Ruling*, Memorandum Opinion and Order, 56 Rad. Reg. 2d 143, 144 (1984) ("*Donahue Decision*") ("Congress contemplated and intended to encourage increased news coverage of political campaign activity.").

[57] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

> shall not be deemed to be use of a broadcasting station within the meaning of this subsection.[58]

Those exemptions notably are not confined to traditional "newscasts," but rather sweep in (among other things) "bona fide news interview" programs.[59] While Congress did not attempt to specifically define the types of programs that would qualify as bona fide news interviews, the legislative history identified factors such as whether a program is "regularly scheduled," and whether its "content and format" are "determined by the licensee" or by the network "in the exercise of its 'bona fide' news judgement and not for the political advantage of the candidate for public office."[60]

In keeping with that guidance, which the Commission concluded Congress had "enjoined" it to follow,[61] the Commission established three factors to determine whether something qualifies as a bona fide news interview: (1) whether the program is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether the broadcaster's or independent producer's decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy.[62] The overarching newsworthiness consideration reflects Congress's

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[58] 47 U.S.C. § 315(a).

[59] 105 Cong. Rec. 17776, 17777 (1959) (Conference Report) ("[A]n appearance on a 'bona fide news interview' is exempted without regard to whether it is included as part of a newscast.").

[60] 105 Cong. Rec. at 17777. *See also id.* at 17782 (statement of Sen. Harris) ("This requirement regarding the bona fide nature of the newscast, news interview or news events was not included without careful thought by the conference committee. It sets up a test which appropriately leaves reasonable latitude for the exercise of good faith news judgment on the part of broadcasters and networks.").

[61] *See Inquiry Concerning "Equal Time" Requirements Under Section 315 of the Communications Act of 1934, as amended*, 40 F.C.C. 395, 396 (1964).

[62] *See, e.g.*, *Hearst Television Inc.*, Declaratory Ruling, 31 FCC Rcd 7191, 7192-93 (MB 2016) (citing *ANE Productions Inc.*, Declaratory Ruling, 26 FCC Rcd 16148, 16149 (MB 2011) ("*ANE*

decision to qualify each exemption with the term "bona fide," thereby emphasizing that the key question is whether programming at issue is of genuine news value, as opposed to designed for the partisan purpose of advancing or harming any particular candidate.[63]

While the Commission's application of that three-part test evolved in the early years, it has remained largely stable since the landmark *Donahue Decision* in 1984, in which the Commission recognized that the exemption must be interpreted consistent with "Congress' overriding intent to increase news coverage of the political campaign process."[64] In the *Donahue Decision*, the Commission reversed a prior decision denying a bona fide news interview exemption to the talk show *Donahue*.[65] In doing so, the Commission applied the standard three-part test. First, the Commission recognized that there was no dispute as to whether *Donahue* was regularly scheduled. With respect to the second prong, whether the program's producers maintained control over the program, the Commission explicitly concluded that a talk show format did not preclude a finding of licensee control:

> [I]t would be unsound to rule that a program involving a unique or innovative approach to interviewing its guests somehow lacks sufficient licensee control evident in more traditional news interview programs like

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Declaratory Ruling"); *Request of ABC, Inc. for Declaratory Ruling*, 15 FCC Rcd 1355, 1358 (MMB 1999) ("*ABC Declaratory Ruling*")).

[63] *See Petitions of Henry Geller and National Association of Broadcasters and the Radio-Television News Directors Association to change Commission interpretation of Subsections 315(a)(3) and (4) of the Communications Act*, Report and Order, 95 F.C.C.2d 1236, 1243 (1983), *aff'd sub nom League of Women Voters Educ. Fund v. FCC*, 731 F.2d 995 (D.C. Cir. 1983).

[64] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358 (recognizing a shift in focus from programs with "more traditional question and answer formats" to "varying less conventional interview formats"); *see also Requests of Fox Broadcasting Company, Public Broadcasting Service, and Capital Cities/ABC, Inc. for Declaratory Rulings*, Declaratory Ruling, 11 FCC Rcd 11101, 11108 (1996) ("*Fox Declaratory Ruling*") ("Initially, the Commission interpreted the exemptions narrowly. Over the last twenty years, however, the Commission has interpreted the exemptions to allow for more diverse kinds of news programming, particularly with respect to the *bona fide* news interview and on-the-spot coverage of *bona fide* news event exemptions.").

[65] *Donahue Decision*, 56 Rad. Reg. 2d 143-44.

> "Meet the Press" or "Face the Nation" when the licensee has implemented reasonable techniques to ensure control. To do so would discourage programming innovation by sending a signal to broadcasters that to be exempt an interview program should adhere only to the format of certain programs mentioned by Congress over twenty-five years ago.[66]

Regarding the third prong, the Commission held that "[t]he proper Commission concern is limited to whether a licensee's claim of newsworthiness is reasonable" and that "it would seem elemental that Congress contemplated interviews with elected officials and candidates for elected office as newsworthy subject matter."[67] Noting that "Congressional intent is to defer substantially to the good faith news judgments of broadcast licensees," the Commission held *Donohue* qualified for the bona fide news interview exemption.[68]

In the ensuing 40 years, the Commission has consistently reaffirmed this approach, finding that a wide variety of programs qualify as bona fide news interview programs, including programs that featured non-traditional formats and hosts without formal journalistic backgrounds. As the Mass Media Bureau explained in 1999, "[i]n attempting to fulfill the letter and the spirit of the law, the Commission's decisions in this area have continued to expand the kinds of programming eligible for exemption in recognition of change and innovation in broadcast production."[69] Programs deemed qualified as bona fide news interview programs include such varied programs as *The Morning Program* (1987), *Geraldo* (1988), *Sally Jessy Raphael* (1991), *Later with Bob Costas* (1991), *The Jerry Springer Show* (1994), *The Howard Stern Show* (2003), *Governor Heineman's Call-In Show* (2006), and *The Tonight Show* (2006).[70]

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[66] *Id.* at 146.

[67] *Id.* at 147.

[68] *Id.* at 148.

[69] *ABC Declaratory Ruling*, 15 FCC Rcd at 1359.

[70] *Request by CBS Inc. for Declaratory Ruling*, 2 FCC Rcd 4377 (MMB 1987); *Request of Tribune Broadcasting Company for Declaratory Ruling*, 3 FCC Rcd 6248 (MMB 1988); *Request*

For example, in 2008 the Media Bureau found that the news interview segments of *The 700 Club* qualified for the bona fide news interview program exemption.[71] In making its determination, the Bureau emphasized assurances that, among other things, "all questions are prepared by a CBN employee based upon journalistic news principles" and that interviewees were selected based on newsworthiness and other factors.[72]

Similarly, in *ANE Productions Inc*., the Media Bureau found that the daytime talk show *Anderson*, which featured "a mixture of news and entertainment topics," qualified for the bona fide news interview exemption.[73] The producers of the program stated that "the format also includes interviews with celebrity guests and that 'qualified candidates for political office will be interviewed when their stories are considered by the producers to be relevant and newsworthy.'"[74] In its discussion of the case, the Bureau noted its long-standing position that "its 'role is not to decide, by some qualitative analysis, whether one kind of news story is more *bona fide* than another … [s]o long as the program characteristics set out by Congress are met,

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of Multimedia Entertainment, Inc. for Declaratory Ruling, 6 FCC Rcd 1798 (MMB 1991); *Request of National Broadcasting Co., Inc. for Declaratory Ruling*, 6 FCC Rcd 5200 (MMB 1991); *Request of Multimedia Entertainment, Inc. for Declaratory Ruling*, 9 FCC Rcd 2811 (MMB 1994); *Infinity Declaratory Ruling*, 18 FCC Rcd 18603; *Request of Nebraska Broadcasters Association for Declaratory Ruling*, 21 FCC Rcd 10742 (MB 2006) ("*NBA Declaratory Ruling*"); *Equal Opportunities Complaint Filed by Angelides For Governor Campaign Against 11 California Television Stations*, 21 FCC Rcd 11919 (MB 2006).

[71] *Petition of The Christian Broadcasting Network for Declaratory Ruling*, 23 FCC Rcd 7165, 7166 (MB 2008).

[72] *Id.*

[73] *ANE Declaratory Ruling*, 26 FCC Rcd at 16148.

[74] *Id.*

[its] role is properly limited to determining whether a broadcaster was reasonable in deciding that a program fits within an exemption.'"[75]

Likewise, in 1999 the Bureau found that *Politically Incorrect with Bill Maher* qualified for the bona fide news interview exemption.[76] The Bureau followed the standard three-part test; with respect to the second prong—whether the broadcaster controls the program—the Bureau credited the broadcaster's "various reasonable mechanisms" for maintaining control over the production, finding that "those structural safeguards appear reasonably designed to assure that good faith news judgment can be adequately protected."[77] Acknowledging the guidance from Congress and the Commission's decision in *Donohue* to "not second-guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion," the Bureau found that decisions about format, content and selection of participants on *Politically Incorrect* were based on newsworthiness and not motivated by any partisan purpose, despite the satirical nature of some of the program content.[78]

Notably, the Commission's analysis of the "bona fide" nature of a program has never rested on an examination of the political views of the program's host or required a host to profess partisan neutrality. Indeed, the Commission has granted exemptions to programs hosted by elected officials (a group not generally known for partisan neutrality). For instance, in 2006, the Media Bureau concluded that both *Governor Heineman's Call-In Show* and *Senator Ben*

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[75] *Id.* at 16469 (quoting *Request for Declaratory Ruling By Paramount Pictures Corporation, Cox Broadcasting Corporation, Taft Television Productions, and Television Program Enterprises*, 3 FCC Rcd 245, 245-46 (MMB 1988)).

[76] *ABC Declaratory Ruling*, 15 FCC Rcd 1355.

[77] *Id.* at 1359.

[78] *Id.*

Nelson's Call-In Show qualified for the bona fide news interview exemption under Section 315(a)(2) of the Act.[79]

In short, in accordance with Congressional intent and the requirements of the First Amendment, the Commission has consistently given deference to broadcasters' good faith judgment.[80] And courts have long affirmed that this deference is necessary to avoid the equal opportunities rule's encroaching on core First Amendment rights. As the D.C. Circuit put it, "absent evidence of broadcaster intent to advance a particular candidacy, the judgment of the newsworthiness of an event is left to the reasonable news judgment of professionals."[81] The First Amendment demands nothing less.

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[79] *NBA Declaratory Ruling*, 21 FCC Rcd at 10742-43.

[80] *See, e.g.*, *Fox Declaratory Ruling*, 11 FCC Rcd at 11108 ("In recognition of Congress' primary goal in enacting the exemptions – to facilitate a better informed electorate through greater news coverage of the political process – the Commission has accorded greater deference to a licensee's good faith news judgment."); *Donahue Decision*, 56 Rad. Reg. 2d at 148.

[81] *Kennedy for President Comm. v. FCC*, 636 F.2d 417, 427 (D.C. Cir. 1980) (quoting *Chisholm*, 538 F.2d at 359). Courts have long recognized this Congressional intent in interpreting the scope and application of the Section 315(a) exemptions. The D.C. Circuit, for instance, noted that Congress had concluded that "the concept of absolute equality among competing political candidates would have to give way, to some extent, to two other 'worthy and desirable' objectives: First, the right of the public to be informed through broadcasts of the political events; and Second, the discretion of the broadcaster to be selective with respect to the broadcasting of such events." *Chisholm*, 538 F.2d at 352 (citing Hearings on Political Broadcasts Equal Time Before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce, 86th Cong., 1st Sess. 2 (1959) (statement of Chairman Harris)). Thus, the Court stated, "[i]n creating a broad exemption to the equal time requirements in order to facilitate broadcast coverage of political news, Congress knowingly faced risks of political favoritism by broadcasters, and opted in favor of broader coverage and increased broadcaster discretion." *Chisholm*, 538 F.2d at 366.

III. *THE VIEW* IS A BONA FIDE NEWS INTERVIEW PROGRAM TODAY, JUST AS IT WAS IN 2002.

As the foregoing should make clear, the best way for the Commission to avoid the grave First Amendment problems that the equal opportunities rule presents is by holding, as it did in 2002, that *The View* qualifies for a Section 315(a) exemption as a bona fide news interview program. *The View* continues to easily satisfy the criteria the Commission has long applied. And interpreting the bona fide news interview program exemption to exclude shows like *The View* would only exacerbate the constitutional problems with the statutory scheme.

A. Description of *The View*.

The View is an ABC Television Network program that has aired weekday mornings since August 1997. *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers from all walks of life and points of view.

Now in its 29th season, *The View* has remained committed to this format that has made it one of the most successful and longest-running daytime programs of all time. Although the co-host line up has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.[82]

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[82] *The View* also features guest co-hosts from time to time including, for example, Savannah Chrisley, who filled in during Griffin's maternity leave in February 2026. *See* Olivia Rondeau,

- Joy Behar was one of the original hosts of *The View* when it premiered in 1997. Ms. Behar is among today's leading media personalities and has won numerous awards, including the 2009 Daytime Emmy Award for Outstanding Talk Show Host.[83] Ms. Behar's professional background is rooted in education and news production. She went on to serve as a producer for ABC News' *Good Morning America*, hosted *The Joy Behar Show* on CNN's HLN, and frequently guest-hosted *Larry King Live*.[84] She also hosted a WABC radio program, and worked as a high school English teacher for several years before transitioning to media.[85] Ms. Behar holds a Bachelor of Arts in sociology from Queens College and a Master's Degree in English Education from Stony Brook University.[86]

- Alyssa Farah Griffin is a Republican political strategist who joined *The View* as a co-host in 2022.[87] Ms. Griffin served as White House Director of Strategic Communications and Assistant to President Donald Trump during his first term and previously held roles as Press Secretary for the Department of Defense and Deputy Assistant to the Secretary of Defense in prior Republican administrations. From 2017 to 2019, she served as Press Secretary for former Vice President Mike Pence, and previously spent several years working as a senior communications aide for Representative Mark Meadows (R-NC) and the House Freedom Caucus under Representative Jim Jordan (R-OH) and Meadows. Ms. Griffin began her career in journalism as a broadcast media intern at the National Journalism

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Trump-Supporting TV Personality Savannah Chrisley to Guest Host 'The View', Breitbart (Feb. 5, 2026), https://www.breitbart.com/entertainment/2026/02/05/trump-supporting-tv-personality-to-guest-host-the-view. More recently, former co-host Elisabeth Hasselbeck returned to the show last month, garnering attention due to her defense of U.S. military actions in Iran. *See* Julia Moore, *Elisabeth Hasselbeck's Return to The View Is Interrupted by Trump's Remarks on Iran*, People (Mar. 2, 2026), https://people.com/elisabeth-hasselbeck-return-to-the-view-interrupted-by-trumps-remarks-on-iran-11917380. Co-host selection is "all about a different point[s] of view at the table," and ensuring the panel consists of people "who are good at this job." Ted Johnson, *Elisabeth Hasselbeck, Abby Huntsman & Savannah Chrisley To Be Among Guest Co-Hosts On 'The View' During Alyssa Farah Griffin's Maternity Leave*, Deadline (Feb. 4, 2026), https://deadline.com/2026/02/the-view-guest-co-hosts-alyssa-farah-griffin-1236708881.

[83] Joy Behar, ABC.com, https://abc.com/cast/b2ffc195-a56a-49d4-812a-a918a6fa717c (last visited Apr. 25, 2026) (cast biography).

[84] Lacey Rose, *HLN Confirms 'The Joy Behar Show' Has Not Been Renewed*, The Hollywood Reporter (Nov. 17, 2011), https://www.hollywoodreporter.com/news/general-news/hln-confirms-joy-behar-show-cancelled-263095.

[85] Joy Behar, CNN, https://www.cnn.com/CNN/anchors_reporters/behar.joy.html (last visited Apr. 25, 2026) (anchors and reporters biography).

[86] Zoey Lyttle, *Joy Behar's Life in Photos*, People (Oct. 7, 2022), https://people.com/tv/joy-behars-life-in-photos.

[87] Alyssa Farah Griffin, ABC.com, https://abc.com/cast/8003d444-bb1c-4fcb-9fd4-4f941247fef0 (last visited Apr. 25, 2026) (cast biography).

Center.[88] Ms. Griffin holds a Bachelor of Arts in journalism from Patrick Henry College.[89]

- Whoopi Goldberg has served as moderator and co-host of *The View* since 2007. An award-winning actress, producer and author,[90] Ms. Goldberg's career launched on Broadway in 1984 with her critically acclaimed one-woman stage show, *Whoopi Goldberg*. Ms. Goldberg made her Hollywood debut in Steven Spielberg's *The Color Purple*, earning an Academy Award nomination for Best Actress, and later won the Academy Award for Best Supporting Actress for her role in *Ghost*. In 2001, she received the Mark Twain Prize for American Humor. In 2002, she completed the rare EGOT distinction, having earned an Emmy, Grammy, Oscar, and Tony Award (as a producer of the musical *Thoroughly Modern Millie*).[91] Prior to joining *The View,* Ms. Goldberg also hosted *The Whoopi Goldberg Show* and a nationally syndicated morning radio program, *Wake Up with Whoopi*. Beyond performance, she has written several books, including a collection of humorous essays, and two children's books, and serves as a UNICEF International Goodwill Ambassador.[92] She has been honored with an honorary degree from Wilson College.[93] Goldberg has stated she does not identify with a specific political party.[94]

- Sara Haines, a former ABC News correspondent, joined *The View* as a co-host from 2016 to 2018, and returned to the program in 2020 after co-hosting ABC's

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[88] Alyssa Griffin, Legistorm.com, https://www.legistorm.com/person/bio/220812/Alyssa_Farah_-Griffin/hashkey/f7c373fb.html (last visited Apr. 25, 2026).

[89] Marjorie Pratt, *White House Spotlight: Alyssa Farah* (May 18, 2020), https://www.phc.edu/-learnphc/alyssa-farah.

[90] Whoopi Goldberg, ABC.com, https://abc.com/cast/00fdbde0-e115-4778-9dc8-b7091ce2caa9 (last visited Apr. 25, 2026) (cast biography).

[91] Whoopi Goldberg, Encyclopedia Britannica (last updated Apr. 13, 2026), https://www.britannica.com/biography/Whoopi-Goldberg.

[92] Whoopi Goldberg, American Academy of Achievement, https://achievement.org/achiever/whoopi-goldberg (last visited Apr. 25, 2026); Whoopi Goldberg, Yale Center for Dyslexia & Creativity, https://dyslexia.yale.edu/story/whoopi-goldberg (last visited Apr. 25, 2026) (biographical profile and interview).

[93] William C. Trott, *Whoopi By Degrees*, UPI (Dec. 4. 1987), https://www.upi.com/Archives/1987/12/04/WHOOPI-BY-DEGREES/7754565592400.

[94] Goldberg declared on the show that she does not subscribe to a particular political party ideology, in that she believes "the only way to get stuff done is to have both parties represented at the same time." Amanda Bell, *Whoopi Goldberg Explains Exactly Why She's Not a Democrat on 'The View'*, TV Insider (June 5, 2025), https://www.tvinsider.com/1195574/the-view-whoopi-goldberg-not-democrat-explained.

GMA Day.[95] Before joining ABC in 2013, Ms. Haines worked for NBC's *Today* show, beginning as a production coordinator in 2002 after completing NBC's Page Program.[96] She expanded her role at *Today* in 2008 as host of *TODAYshow.com*'s entertainment video blog *Backstage Pass*, through which she conducted celebrity interviews and offered behind-the-scenes coverage of the show. At ABC, she served as a network correspondent and pop news anchor for the weekend editions of *Good Morning America*, before transitioning to *The View*. Ms. Haines holds a Bachelor of Arts in government from Smith College.[97]

- Sunny Hostin, an attorney and investigative journalist, has been a co-host of *The View* since 2016. Before her television career, Ms. Hostin worked as an appellate law clerk to Chief Judge of the Maryland Court of Appeals Robert M. Bell.[98] Later, she joined the Department of Justice's antitrust unit under President Bill Clinton. Ms. Hostin also served as an assistant United States attorney specializing in child sex crimes under Attorney General Janet Reno, from whom she received a Special Achievement Award.[99] Moving into private practice, Ms. Hostin served as a Managing Director of Business Intelligence and Investigations at Kroll.[100] She subsequently built a prominent media presence, appearing weekly on the "Is It Legal?" segment of Fox News' *The O'Reilly Factor* and serving as a host and legal analyst at CNN. Ms. Hostin has also filled in as co-anchor for ABC News' *World News Now* and *America This Morning*.[101] She holds a degree in Communications from Binghamton University and a Juris Doctorate from Notre Dame Law School.

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[95] Hilary Lewis, *It's Official: Sara Haines Joins 'The View' as Season 20 Co-Host*, The Hollywood Reporter (Aug. 3, 2016), https://www.hollywoodreporter.com/news/general-news/sara-haines-joins-view-as-916914; Meaghan Darwish, *Why Was 'Strahan, Sara, and Keke' Canceled at ABC?*, TVInsider (Aug. 4, 2020), https://www.tvinsider.com/944258/strahan-sara-keke-canceled-abc.

[96] Sara Haines, ABC.com, https://abc.com/cast/59670fc4-d5a9-4101-96bd-7a83d68dbed8 (last visited Apr. 25, 2026) (cast biography).

[97] *Id*.

[98] Laurie Yarnell, *The View's Sunny Hostin Talks Life On and Off the Camera*, Westchester (Sept. 24, 2018), https://westchestermagazine.com/things-to-do/the-view-sunny-hostin-interview.

[99] *Breaking News, Everyone's Watching Sunny Hostin*, Executive Woman Media (Jan. 7, 2015), https://www.executivewomanmedia.com/breaking-news-everyones-watching-sunny-hostin.

[100] About Sunny, Sunny Hostin, https://sunnyhostin.com/abou/ (last visited Apr. 25, 2026).

[101] Sunny Hostin, The State University of New York, https://www.suny.edu/events/eop/sunny-hostin/ (last visited Apr. 25, 2026).

- Ana Navarro joined *The View* as a co-host in 2022, having previously appeared as a guest co-host on several occasions in 2013 and 2018.[102] Ms. Navarro is a Republican political strategist and senior political commentator on CNN. She has advised numerous federal and state campaigns in Florida and nationally. She subsequently worked on Governor Jeb Bush's transition team and served as his first Director of Immigration Policy. Ms. Navarro served as the National Hispanic co-chair and a national surrogate for John McCain's 2008 presidential campaign.[103] She also briefly held the same role for Governor Jon Huntsman's 2012 presidential campaign.[104] She self-identifies as a "lifelong Republican," "a centrist,"[105] and has credited President Ronald Reagan's support for the anticommunist rebels in Nicaragua as her inspiration for becoming a Republican. Ms. Navarro holds a Bachelor in Arts with Majors in Latin American Studies and Political Science from the University of Miami and a Juris Doctorate degree from St. Thomas University.[106]

While *The View* is known for engaging and entertaining banter between its co-hosts, the program also has been widely recognized for the journalistic impact of its content—particularly its interviews with newsmakers, including political candidates. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

Brian Teta is currently the Executive Producer of *The View*. Teta, a highly experienced television producer, joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017. Teta reports to Almin Karamehmedovic, the President of ABC News. As

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[102] Ana Navarro, ABC.com, https://abc.com/cast/8b1e427a-f54f-40a8-91f2-0cbd48dd347c (last visited Apr. 25, 2026) (cast biography).

[103] Ana Navarro-Cárdenas, Carnegie Corporation of New York, https://www.carnegie.org/awards/honoree/ana-navarro-cardenas (last visited Apr. 25, 2026).

[104] Navarro, ABC cast biography, *supra* note 102 .

[105] Ana Navarro, *Ana Navarro: Why I'm voting for Andrew Gillum (a Democrat!)*, CNN (Nov. 3, 2018), https://www.cnn.com/2018/11/02/opinions/why-im-voting-for-andrew-gillum-navarro/index.html.

[106] Ana Navarro, Harvard Kennedy School Institute of Politics (2013), https://iop.harvard.edu/fellows/ana-navarro.

Executive Producer, Teta is responsible for and is the final decision maker with respect to all aspects of the production of *The View*, including the format, content, and participants of the program.[107]

Interview subjects are selected and invited though a booking process overseen by the Executive Producer. The Executive Producer holds a twice-weekly meeting with *The View*'s booking staff to discuss and select potential guests. *The View*'s booking staff generally make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely "pitch" potential guests (e.g., book authors) to *The View*'s booking staff. *The View*'s co-hosts also suggest potential guests. Importantly, however, while he receives this input, the Executive Producer is the sole decisionmaker with respect to the selection of interviewees. He selects potential interview subjects based on newsworthiness, anticipated audience interest, and their potential to "make news" on the show.[108]

After potential interview subjects are selected by the Executive Producer, *The View*'s booking staff contacts the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff will describe in general terms the topics they expect will be covered in the interview. Interview guests are not provided with any guarantees as to what content will be covered or included in the broadcast of the program. Interview guests who agree to appear on the program are scheduled based primarily on the guests' availability and the overall balance of each day's program.[109]

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[107] Declaration of Brian Teta ("Teta Declaration") ¶ 8.

[108] *Id.* ¶ 20.

[109] *Id.* ¶ 27.

Once a guest agrees to appear on the program, a segment producer prepares an outline of potential interview questions. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and the "pre-interview" conducted by the segment producer with the guest and/or the guest's representatives. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC personnel. Final review and approval of the interview outline is conducted by the Executive Producer. Interview guests do not review, edit, or approve the interview outline and are not provided with interview questions in advance of the interview.[110]

The View's co-hosts conduct guest interviews based on the interview outline approved by the Executive Producer, although they may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview (and, at all times during the interview, the show's producers can communicate directions to the co-hosts as needed). While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast. Indeed, most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards. Interview subjects are not given any option to edit or otherwise control the broadcast of the interview, and do not see the final interview until it airs.[111]

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[110] *Id.* ¶ 30.

[111] *Id.* ¶ 33.

B. *The View* Was Properly Determined to Be a Bona Fide News Interview Program in 2002.

Following the Commission's long-established three-part test, the Bureau concluded in 2002 that *The View* is exempt from Section 315(a) of the Act as a bona fide news interview program.[112] That determination has remained unchallenged and unchanged since that time and, to this day, *The View* remains fully qualified for the exemption under the applicable legal standards.

On October 20, 2000, ABC filed a petition for declaratory ruling (the "Petition") with the Commission requesting that the Commission's Mass Media Bureau issue a declaratory ruling that *The View* is a bona fide news interview program and thus exempt from the equal opportunities provision of Section 315(a) of the Act.[113] In the Petition, ABC explained that *The View* planned to invite additional political candidates to appear on the program and thus sought the Commission's formal assurance that the equal opportunities requirements did not apply to *The View*.[114]

The Petition explained that *The View* was co-produced by the ABC Television Network (owned and operated by ABC) and BarWall Productions[115] and described the content and format of *The View*. In addition, the Petition detailed how *The View* satisfied each of the Commission's criteria for exemption as a bona fide news interview program. In addressing the established

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[112] Letter from Robert Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC, to ABC, Inc. (Mar. 1, 2002) ("2002 Declaratory Ruling").

[113] Letter from ABC, Inc., to Bobby Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC (Oct. 20, 2000) (the "Petition").

[114] *Id.*

[115] BarWall Productions is a production company co-founded by Barbara Walters and Bill Geddie.

three-part test for the exemption, ABC first showed that *The View* was regularly scheduled. Second, ABC demonstrated that *The View* was exclusively controlled by its producers and that the producers decided the program's format, content and participants for each segment of the program. Finally, ABC stated that programming decisions were based solely on the producers' good faith judgments regarding newsworthiness and viewer preferences and not for the purpose of supporting or opposing a particular candidate or for any other partisan purpose.[116]

By letter ruling dated March 1, 2002, the Mass Media Bureau granted the Petition without qualification, stating "[b]ased on the record before us, we conclude that the program '*The View*' qualifies for the *bona fide* news interview exemption under Section 315(a)(2)."[117] Accordingly, every appearance by every legally qualified candidate on *The View* since March 1, 2002, (including the Talarico appearance) has been in accordance with a valid and effective formal determination that *The View* qualifies for the bona fide news interview exemption under Section 315(a)(2).[118] Such appearances thus are not deemed to be "uses" of KTRK or any other station. Given that KTRK Television and many other licensees acted in good faith reliance on the explicit ruling provided by the Mass Media Bureau in 2002 and the consistent guidance provided by the Commission since 1984, the Commission cannot find that KTRK Television, or

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[116] Petition.

[117] 2002 Declaratory Ruling.

[118] Even if ABC had not sought and received a formal determination, *The View*, since its inception, has fully qualified for exemption under all of the long-standing criteria for bona fide news interview programs and, as previously noted, the Commission has previously stated that no prior formal declaration is required for a bona fide news exemption to apply. *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

any other licensee, violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.[119]

C. *The View* Remains a Bona Fide News Interview Program Today.

In the 24 years since the Commission issued the 2002 Declaratory Ruling, the format and production processes of *The View* that were previously reviewed have remained the same, notwithstanding changes in hosts and staffing. *The View* continues to meet all three of the factors considered by the Commission in determining whether a program qualifies for the bona fide news interview exemption under Section 315(a)(2): (1) it is regularly scheduled, (2) ABC, through the program's Executive Producer, controls the program, and (3) decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm any individual's candidacy.

i. *The View* is regularly scheduled and is in the same timeslot since it first aired in 1997.

The View has been a regularly scheduled part of ABC Network programming for almost 30 years. Since August 1997, *The View* has been broadcast on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). Over its entire history, *The View* has consistently maintained its 11:00 am ET weekday timeslot. The program takes an annual summer production break for the month of August, during which the ABC Network airs "encore" episodes (*i.e.*, previously aired episodes of *The View*). The show generally resumes production at the end of

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[119] *Star Wireless, LLC v. FCC*, 522 F.3d 469, 473 (D.C. Cir. 2008) (cleaned up) (citation omitted) ("In assessing forfeitures against regulated entities, the Commission is required to provide 'adequate notice of the substance of the rule.' The court must consider 'whether by reviewing the regulation and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.'").

August, and a new season begins the Tuesday after Labor Day. ABC Network intends to maintain this schedule.[120]

ii. ABC continues to control the format, content and participants of *The View*.

As was the case in 2002, *The View* continues to be produced by the ABC Television Network. In this capacity, ABC has ultimate control over all aspects of *The View*, including its format, content and participants.[121] Day-to-day control over *The View* is exercised by the program's Executive Producer who reports to the President of ABC News, which is a division of the ABC Television Network. *The View*'s format, first established by Walters and Geddie, has remained fundamentally unchanged throughout its history. The Executive Producer, and the producers, hosts, and production staff under his supervision, decide the program's content, as well as the participants for each program segment.[122]

The show's production processes ensure that ABC (through the show's Executive Producer and production staff) maintains control over all aspects of the program. With respect to interviews included in the program in particular, as described herein, the Executive Producer and the production staff under his direction control all aspects of the selection of potential interview subjects and the questions asked during interviews in accordance with ABC News standards and practices. The Executive Producer has final review and approval authority over this process. The production process is designed to mitigate the possibility that a candidate can usurp the

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[120] Teta Declaration ¶ 12.

[121] BarWall Productions continues to be credited as a co-producer of the show but, subsequent to Ms. Walter's retirement in 2014 and death in 2022, ABC exercises sole and exclusive responsibility and control over the production.

[122] *Id.* ¶¶ 8, 17.

functions of the program for his or her own purposes or use *The View* as a soapbox.[123] Once taped, the Executive Producer oversees the production process, and interviewees are not provided any opportunity to influence or affect the content of their interview prior to airing during the scheduled timeslot.[124]

iii. Newsworthiness is, as it always has been, the lodestar of programming decisions on *The View*.

The Executive Producer of *The View* bases all decisions related to the format, content, and participants, including interviews of political candidates and other newsmakers, on the good faith judgments of newsworthiness and audience interest and not for the purpose of supporting or opposing any particular candidate or for any other partisan purpose.[125]

It is in ABC's interest to book guests on *The View* who are in the news and who will generate interest among its audience members. Over the past ten years alone, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on *The View*, providing the public with a broad variety of views. Of course, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear. Over the past two seasons, for example, producers have extended

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[123] *Id.* ¶ 17. As explained above, the seasoned co-hosts of *The View* follow the interview outlines approved by the Executive Producer. While they may deviate from the outline at times, they rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, co-hosts wear earpieces as they conduct interviews that allow producers to communicate directions to the co-hosts during the interviews as needed.

[124] The results speak for themselves. *See e.g.*, David Rutz, *Kamala Harris' bungled answer on 'The View' about Biden seen as turning point in campaign*, Fox News (Nov. 7, 2024), https://www.foxnews.com/media/kamala-harris-bungled-answer-the-view-about-biden-seen-turning-point-campaign.

[125] Teta Declaration ¶ 20.

invitations to JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio, each of whom declined the invitation to appear on the program.[126] The critical consideration, however, is not whether the program achieves some government-approved roster of participants but the fact that that the producers' decisions are not motivated by partisan purposes and are instead motivated by the desire to interview the most newsworthy and impactful guests.

The February 2, 2026, appearance of Texas primary candidate for Senate James Talarico is a prime example of *The View*'s pursuit of newsworthy material. Following Representative Jasmine Crockett's January 6, 2026, appearance on *The View*, co-hosts Farah Griffin and Goldberg both suggested to Teta that Talarico, Crockett's leading opponent in the Texas Democratic Primary for United States Senate, should be a potential interview guest. Talarico's candidacy at the time was gaining national attention, including on social media, which informed Teta's judgment that Talarico was a newsworthy subject.[127]

A booking staff member on *The View* reached out to Talarico's campaign with an invitation to appear on the program. After Talarico's campaign accepted the invitation, one of *The View*'s veteran producers (who came to *The View* following stints with *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with the program's standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC personnel before being finally reviewed and approved by Teta. Neither the interview outline nor any of the questions were provided to Talarico or his representatives prior to the interview, the

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[126] *Id.* ¶ 26.

[127] *Id.* ¶ 37. As *The View* is an exempt bona fide news interview program, Talarico's appearance was not made in accordance with any request by the Talarico campaign for "equal time" resulting from Crockett's appearance on *The View* or out of any consideration that he might be entitled to such "equal time."

producers provided no assurances to Talarico or his representatives as to the content of the program, and neither Talarico nor his representatives were provided any opportunity to suggest edits or view the final interview before it aired.[128] Thus, as with all candidate appearances on *The View*, Talarico's appearance was under the control of ABC through the program's Executive Producer and his team. The decision to include Talarico was driven by considerations of newsworthiness and audience interest and not an intent to advance his candidacy.

As that demonstrates, *The View*'s ability to rely on the bona fide news exemption to select interview candidates based on newsworthiness, as it has for over two decades, has advanced Congress's goal of facilitating political discourse on the airwaves. Of course, that may not always mean that *The View* may achieve the Commission's preferred complement of guests or particular views (although, as noted above, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear). But the Commission has expressly disavowed efforts to "second guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion"[129]—as it must since any effort to evaluate the qualification of *The View* as a bona fide news interview program that centered on the identity of the guests that appeared on the program or the views they expressed would be at odds with Congress's decision to exempt bona fide news interview programs from any equal opportunities rule (not to mention the First Amendment). After all, if a program had to provide equal opportunities to qualify for the exemption, then the exemption would be left with no work to do. *The View* thus readily qualifies for the bona fide news exemption, as the Commission has recognized for decades.

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[128] *Id.* ¶¶ 40-41.

[129] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358.

IV. SUBJECTING *THE VIEW* TO THE EQUAL OPPORTUNITIES RULE WOULD VIOLATE THE FIRST AMENDMENT.

A. The Equal Opportunities Rule Cannot Be Applied to *The View* Consistent with the First Amendment.

Even if the bona fide news interview exemption were not broad enough to cover *The View*, the Commission could not apply the equal opportunities rule to *The View* consistent with the First Amendment. While *Red Lion* held the "personal attack" and "political editorial" rules constitutional, this petition involves "a different statute" at "a different point in the development" of broadcast regulation, which suffices to merit "plenary consideration" of this "substantial First Amendment challenge."[130] And, as explained, whatever may be said of the rule at its inception, at this point in time it is fundamentally incompatible with bedrock First Amendment principles.[131] If the rule applied here, it would seemingly require every station broadcasting *The View* to provide airtime to every legally qualified candidate running for office in a particular race in their service areas, without regard to the newsworthiness of the candidate. In large races, like this year's California open gubernatorial primary, this could mean the difference between interviewing the leading candidates in a tight race, or interviewing no candidates at all because fulfilling dozens of demands for free time would overburden the local stations airing *The View*. This "chilling" effect is exactly the result Congress sought to avoid when it adopted the bona fide news exemption.[132] But to the extent Congress failed to provide an exemption broad enough to avoid that result, the rule cannot survive.

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[130] *McCutcheon v. FEC*, 572 U.S. 185, 203 (2014).

[131] *See supra* Part II.

[132] *See supra* note 55 and accompanying text.

In fact, interpreting the bona fide news interview program exemption to exclude shows like *The View* would exacerbate the constitutional problems with the statutory scheme. Treating *The View* differently from other types of exempt programming is both a content and speaker-based distinction. If the exemption is understood to cover only a small universe of purportedly "neutral" and "newsworthy" broadcasts, wide swaths of programming—perhaps even all programs whose format diverges from the *Meet the Press* format referenced by the 1959 Congress that enacted the exemptions—will be penalized based on nothing more than the content and viewpoint of their speech.

Given the inherent value-laden judgments that the FCC must make when determining whether a particular program is newsworthy, the risk that the FCC will use its authority to suppress disfavored content and viewpoints is overwhelming. What is newsworthy to today's FCC may not be newsworthy to the FCC in the next Administration. "It is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual."[133] That caution carries special weight here, given that the Administration has been open about its disapproval of the viewpoints expressed on *The View*.[134] But the government has no legitimate interest in declaring some viewpoints more worthy than others. The bona fide news exemptions would fail any form of

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[133] *Cohen v. California*, 403 U.S. 15, 25 (1971); *cf. Minnesota Voters All. v. Mansky*, 585 U.S. 1, 21-22 (2018) (enforcement of ban on "political" attire in polling places "must be guided by objective, workable standards" because, "[w]ithout them, an election judge's own politics may shape his views on what counts as 'political'").

[134] *See, e.g.*, Dominick Mastrangelo, *White House targets 'The View,' Joy Behar over Trump criticism*, The Hill (July 24, 2025), https://thehill.com/homenews/media/5418270-white-house-the-view-joy-behar-trump-criticism; Sean Burch, *FCC Chairman Bashes 'The View,' Suggests Show Could Have 'Issues'*, The Wrap (July 24, 2025), https://www.thewrap.com/fcc-chairman-bashes-the-view-trump-issues; Joey Nolfi, *White House rips The View cohosts as 'Trump-deranged wackos' over reaction to Jeffrey Epstein files*, Entertainment Weekly (Nov. 20, 2025), https://ew.com/white-house-responds-the-view-jeffrey-epstein-files-11853293.

heightened scrutiny if not construed, consistent with decades of Commission practice, to apply to *The View*. That is all the more reason to conclude that *The View* qualifies for the exemption. But ultimately it does not matter, as the Commission could not subject *The View* to the equal opportunities rule consistent with the First Amendment anyway.

B. This Proceeding is Independently Barred by the First Amendment to the Extent it is Based on the Viewpoints Expressed on *The View*.

Even assuming the equal opportunities rule and its exemptions passed First Amendment muster (they do not), any effort to apply it here would violate the First Amendment to the extent adverse action is a response to the viewpoints expressed on *The View*. The Commission may not wield its enforcement authority "in order to punish or suppress [ABC's] protected expression."[135] The Commission's actions must be based on an objective application of the law and cannot be a response to disfavored content.

"If a coercive campaign is carried out with enough sophistication," it can be difficult to establish that a government official has wielded authority to punish or suppress disfavored speech.[136] In this instance, however, it is not so difficult. Although the *Public Notice* and the SLOI ostensibly avoid commenting on specific content, they both heavily emphasize concerns over the potential partisan purposes of programs.[137] At the same time, numerous statements by senior government officials have singled out *The View* for its allegedly partisan perspective.[138]

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[135] *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 196 (2024).

[136] *Murthy v. Missouri*, 603 U.S. 43, 80 (2024) (Alito, J., dissenting).

[137] *Public Notice* at 1, 3-4.

[138] *See, e.g.*, *NEWS OR NOT? 'The View' under SCRUTINY as FCC Chair Says 'Fake News' Won't Qualify for Exemption*, Fox Business, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=nUTgkRmtlpA&t=269s (statement of FCC Chairman Carr at 5:40-5:51); *FCC chief: These days are OVER*, Fox News Channel, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=gAwYshMVEzw (statement of Chairman Carr at 6:05).

Those statements highlight the dangers of viewpoint-based targeting inherent in giving government functionaries the power to decide which "ideas and beliefs [are] deserving of expression [and] consideration,"[139] *i.e.*, what is "newsworthy." Of course, government officials are free to express their own views about *The View*. But they cannot utilize the coercive powers of the state to punish viewpoints with which they disagree.

Meanwhile, even as the Commission opens formal investigations into *The View*, it has declined to scrutinize other programs or formats, like talk radio. The *Public Notice* was addressed exclusively to daytime and late night talk shows on television, ignoring the landscape of avowedly partisan talk radio shows. It is noteworthy that many stations in KTRK's market aired interviews with select candidates prior to the recent primary election without provoking any apparent interest or inquiries from the Commission.

For example, both KTBB 97.5 FM, Troup, Texas, and WBAP 820 AM, Fort Worth, Texas, air *The Mark Levin Show*, which, on February 16, 2026, featured an interview with Dan Patrick, who is running for re-election for Lieutenant Governor, although neither KTBB nor WBAP has uploaded any documents concerning Patrick's appearance into their 2026 online public inspection files.[140] Similarly, KPRC 950 AM, Houston, Texas, broadcast an interview with Texas Attorney General primary candidate Chip Roy as part of *The Glenn Beck Program* on

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[139] *Turner Broad. Sys.*, 512 U.S. at 641.

[140] *Program Schedules*, KTBB, https://ktbb.com/skeds.php (last visited May 7, 2026); *Weekday Schedule*, WBAP, https://www.wbap.com/weekday-schedule (last visited May 7, 2026); *2/16/26 - Criminalizing Criticism: The Implications of Virginia's Islamophobia Legislation*, Mark Levin Podcast (Feb. 17, 2026), https://podcasts.apple.com/nz/podcast/2-16-26-criminalizing-criticism-the-implications/id209377688?i=1000750065366. *See also* Dan Patrick, Facebook (Feb. 17, 2026), https://www.facebook.com/100044482297495/posts/1469394397886623/?mibextid=wwXIfr&rdid=7s8v5qEcoqrHZAiB# (posting link to *The Mark Levin Show* appearance from Feb. 16, 2026) ("I joined Mark Levin, one of my favorite Fox hosts, on his radio show last night. He surprised me with his endorsement live on the air. It's a great honor to have his support.").

February 18, 2026, without including any documentation of the appearance in its public inspection files.[141] Chip Roy also appeared on the *Guy Benson Show* on February 11, 2026, which airs on several Texas radio stations, including KSEV 700 AM, Tomball, Texas.[142] KSEV (which is owned by Texas Lt. Governor Dan Patrick) likewise did not place any information about this appearance in its public inspection files. While *The Mark Levin Show*, *The Glenn Beck Program*, and the *Guy Benson Show* are all popular, long running radio talk shows, there is no indication that any of them has ever received a Declaratory Ruling that it is a bona fide news interview program.

And yet, the Commission has not made any public announcements that it is investigating *The Mark Levin Show*, *The Glenn Beck Program*, the *Guy Benson Show*, or the licensees of KTBB, WBAP, KPRC, or KSEV. Nor should it. But such a clear disparity in the treatment of broadcasters that ought to be subject to the same treatment under law raises serious concerns about viewpoint discrimination and retaliatory targeting.

To be clear, the Bureau's change in policy and apparent focus on the viewpoints presented in a particular program harms not just ABC's First Amendment rights, but the First Amendment rights of all broadcasters, regardless of their perceived viewpoints. Commentators across the political spectrum have warned about the danger of using the power and influence of the federal government to suppress disfavored views. Indeed, a broad range of voices have begun sounding the alarm that any adverse actions by the FCC will be used by future

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[141] *The Glenn Beck Program*, KPRC, https://kprcradio.iheart.com/featured/glenn-beck (last visited May 7, 2026); *The Glenn Beck Program*, Glenn Beck, https://glennbeck.com/-listen/series/the-glenn-beck-program (last visited May 7, 2026) (program webpage).

[142] *Guy Benson Show*, KSEV, https://ksevradio.com/guy-benson-show (last visited May 7, 2026); *'IT'S ABOUT THEIR POWER': Rep. Chip Roy Breaks down the SAVE America Act*, Fox News Radio (Feb. 11, 2026), https://radio.foxnews.com/2026/02/11/rep-chip-roy-save-america-act.

administrations to censor and punish speech they dislike.[143] Simply put (by Senator Ted Cruz), using the threat of FCC action to chill speech is "dangerous as hell."[144] Similarly, commentator Ben Shapiro opined:

> I do not want the FCC in the business of telling local affiliates that their licenses will be removed if they broadcast material that the FCC deems to be false. Why? Because one day the shoe will be on the other foot. … I know that a lot of people on the Right are saying, "The shoe will never be on the other foot, and if it is, the Left will just do it anyway." But preemptively breaking things because you believe that the Left is going to break the things still makes the things broken — and you can't unbreak them.[145]

The equal opportunities rule has always imposed a suspect First Amendment burden on broadcasters. While the Commission put off a reckoning of that burden for decades through judicious application of the bona fide news exemptions, this case illustrates that the fundamental conflicts remain. In short, for several independent reasons, the First Amendment does not permit the Commission's threatened application of Section 315(a) to *The View*.

V. CONCLUSION.

ABC is committed to full compliance with the Communications Act and the Commission's rules. ABC is likewise committed to serving the public interest by bringing impactful and engaging news and entertainment programming to the communities it serves. That is why ABC sought—and received—a formal determination from the Commission that *The View* is a bona fide news interview program nearly 25 years ago. Even if it had not done so, however,

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[143] *See* Stephen Battaglio, *FCC chair's call for 'equal time' could have chilling effect on TV and radio*, L.A. Times (Jan. 23, 2026), https://www.latimes.com/entertainment-arts/business/story/-2026-01-23/fcc-chairs-call-for-equal-time-could-have-chilling-effect-on-tv-radio (quoting Sean Hannity as stating "We need less government regulation and more freedom. Let the American people decide where to get their information from without any government interference.").

[144] Koch, *Cruz Warns Conservatives*, *supra* note 6.

[145] Shapiro, *Glad Kimmel's Gone*, *supra* note 6.

The View currently qualifies as a bona fide news interview program because it manifestly meets every one of the three factors the Commission and Congress established.

The View, and other shows like it, support the public interest, as Congress envisioned when it adopted the bona fide news exemptions. This goal—giving the public the broadest access to news about political races by permitting broadcasters to cover political news without fear of sanction—is especially critical today. As the 2026 election approaches, the American people need more access to political news and more exposure to political candidates, not less. It is therefore imperative that the Commission act quickly to assure broadcasters that it will uphold its long-established standards protecting broadcasters' good faith news judgment in including political candidates in bona fide news programming. To do anything else—on the eve of an election cycle—would compound the uncertainty and resulting First Amendment chill that the Commission's recent actions have engendered. ABC therefore respectfully requests that the Commission expeditiously affirm that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

Respectfully submitted,

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May 7, 2026

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

DECLARATION OF BRIAN TETA

I, Brian Teta, declare as follows:

1. I am the Executive Producer of *The View*.

2. I have worked as a television producer since 1998.

3. I joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017.

4. Prior to working on *The View*, I was a producer for several other shows, including *The Late Show with David Letterman*, where I was responsible for booking guests for interviews.

5. I am an employee of the ABC News division of American Broadcasting Companies, Inc.

6. I report directly to Almin Karamehmedovic, the President of ABC News.

7. As Executive Producer, I oversee all aspects of the production of *The View* and I am the direct or indirect supervisor of all personnel who work on *The View*, including its producers and co-hosts.

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8. With respect to the day-to-day operations of *The View*, I am the final decision maker for all aspects of the production of *The View*, including the format, content, and participants of the program.

9. *The View* is an ABC Television Network program that has regularly aired since August 1997.

10. The general format of *The View* is a live, one-hour talk show with a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers conducted by the co-hosts.

11. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.

12. *The View* is broadcast by the ABC Network on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). It has maintained this scheduling since its premiere. There are no plans to change this scheduling.

13. Most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards.

14. The program takes an annual summer production break for the month of August, during which the ABC Network broadcasts selected previously aired episodes of the program. *The View* generally resumes production at the end of August, and a new season begins the Tuesday after Labor Day.

15. *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences.

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16. In 2024, *The View* received the DuPont-Columbia Award for journalism for its contributions to the ABC News team's report entitled "The Power of Water."

17. The production process by which interviews are conducted on *The View* is designed to help ensure that I, and the producers, production staff, and co-hosts under my supervision, maintain control over the content of the program in accordance with ABC News standards.

18. Interview subjects for *The View* are selected and invited though a booking process, which I oversee. I hold a twice-weekly meeting with the producers that constitute *The View*'s booking staff to discuss and select potential guests.

19. *The View*'s booking staff make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely contact *The View*'s booking staff to advocate for the inclusion of their clients (often, book authors with a new book to promote). *The View*'s co-hosts also may suggest potential guests.

20. Based on information provided to me and my own experience and knowledge of television production, I select potential interview subjects on the basis of newsworthiness, anticipated audience interest, and the potential to generate newsworthy programming content.

21. I am the sole decisionmaker with respect to the selection of interviewees.

22. I do not select potential interview subjects with the intent to advance or harm any individual's candidacy for any office or any other partisan purpose.

23. After I select potential interview subjects, I communicate those selections to *The View's* booking staff.

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24. The booking staff is responsible for contacting the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff are instructed to describe in general terms the topics they expect will be covered in the interview. Booking staff do not provide potential interview guests with any guarantees as to what content will be covered or included in the broadcast of the program.

25. During my time with *The View*, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on the program.

26. Some individuals that are invited to appear on the program decline the invitation. Over the past two years, individuals that have been invited onto the program but declined the invitation included JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio.

27. Booking staff schedule the interview guests who agree to appear on the program based primarily on the guests' availability and the overall balance of each day's program.

28. Once a guest agrees to appear on the program, one of *The View*'s producers prepares an outline of potential interview questions. That segment producer generally conducts a "pre-interview" meeting with the guest or the guest's representatives to discuss the interview, including the general topics that may be covered. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and information obtained through the "pre-interview."

29. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC News personnel.

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30. All interview outlines are finally reviewed and approved by me. Interview guests do not review, edit, or approve the interview outline and are not provided with the interview questions in advance of the interview.

31. *The View*'s co-hosts conduct guest interviews based on the interview outlines that I approve. The interviews may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, the co-hosts wear in-ear monitors that allow me and other producers to communicate directions to the co-hosts during the interviews as needed. In most cases, I am on set to observe and oversee the interviews.

32. While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast.

33. Interview subjects are not given any option to edit or otherwise influence or control the broadcast of the interview, and do not see the final interview until it airs.

34. Texas primary candidate for Senate Jasmine Crockett appeared on *The View* on January 6, 2026.

35. Texas primary candidate for Senate James Talarico appeared on *The View* on February 2, 2026.

36. After Ms. Crockett's appearance on the program, *The View* co-hosts Farah Griffin and Goldberg suggested to me that Mr. Talarico should be a potential interview guest.

37. In deciding whether to invite Mr. Talarico to appear on *The View*, I considered the facts that, at that time, Talarico's campaign had been receiving national attention and that Talarico had gained a significant following on social media. These factors, along with the newsworthiness

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of the Texas senate primary elections and potential audience interest in Mr. Talarico, informed my judgment that Mr. Talarico was a newsworthy subject. My decision to invite Mr. Talarico to appear on the program was not motivated by any intent to advance or harm any individual's candidacy.

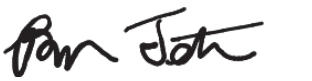
38. A booking staff member on *The View* issued an invitation to the Talarico campaign for Talarico to be interviewed on the program.

39. After the Talarico's campaign accepted the invitation, one of *The View*'s producers (who previously worked for *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with our standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC News personnel before I reviewed it and gave final approval.

40. Neither I, nor any of the producers or staff under my supervision, provided the interview outline or any of the prepared questions to Mr. Talarico or his representatives prior to the interview. Neither I, nor any of the producers or staff under my supervision, provided any assurances to Mr. Talarico or his representatives as to the content of the program.

41. Neither I, nor any of the producers or staff under my supervision, provided Mr. Talarico or his representatives with any opportunity to suggest edits or view the final interview before it aired.

I declare, under penalty of perjury, that, to the best of my information, knowledge, and belief, which includes knowledge based on information provided to me by others, that the foregoing is true and correct.



Brian Teta

Executed on: May 7, 2026

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Kristi Thompson

From: Marcus Maher
Sent: Friday, May 8, 2026 2:00 PM
To: Alexander Sanjenis
Cc: Allison Howell
Subject: FW: [EXTERNAL]: Petition for Declaratory Ruling
Attachments: As filed - Petition for Declaratory Ruling.pdf

Alex,

(b) (5) [redacted]

Thanks in advance!

Marcus

From: Tatel, Jennifer <JTatel@wbklaw.com>
Sent: Friday, May 8, 2026 11:04 AM
To: Marcus Maher <Marcus.Maher@fcc.gov>
Subject: [EXTERNAL]: Petition for Declaratory Ruling

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Marcus,

Attached please find a courtesy copy of a Petition for Declaratory Ruling filed yesterday.

Please let me know if you have any questions.

Thanks,
Jennifer

WILKINSON) BARKER) KNAUER) LLP

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

May 7, 2026

Summary

The Commission's order to file this Petition for Declaratory Ruling is unprecedented, beyond the Commission's authority, and counterproductive to the Commission's stated goal of encouraging free speech and open political discussion. The Commission's actions threaten to upend decades of settled law and practice and chill critical protected speech, both with respect to *The View* and more broadly.

The View has been broadcasting under a bona fide news exemption granted to it more than twenty years ago, consistent with longstanding Commission interpretations designed to minimize the serious First Amendment problems inherent in the equal time regime.[1] *The View*'s exemption remains valid and the constitutional infirmities in the equal time doctrine are even more pronounced today, when the broadcast airwaves account for a slice of the numerous media options through which Americans get their political information. Indeed, the marketplace of ideas has never been more robust, and people can hear virtually any brand of political commentary by listening to a podcast, watching cable, scrolling social media, or streaming on a phone, computer or connected TV. The free flow of ideas flourishes on these non-broadcast platforms even though the equal opportunities rule does not apply there.

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[1] *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Although the line up of the co-hosts has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

The public interest would best be served by supporting broadcasters' efforts to maintain their place in this marketplace of ideas. Narrowing the Commission's long-established approach to bona fide news exemptions, however, would risk restricting political discourse exactly when it is needed most. While candidates are always able to connect with voters on cable, podcasts, and social media, specifically requiring broadcast airtime for all qualified candidates does not expand speech; rather, it makes coverage infeasible, which ultimately reduces it. In California's upcoming gubernatorial "jungle primary," for instance, affording equal time would mean accommodating over 60 legally qualified candidates, regardless of their perceived newsworthiness. The government should neither suppress nor compel speech in support of any political viewpoint in order "to achieve [the state's] own conception of speech nirvana."[2] That includes telling a private publisher "how to exercise their editorial discretion about what content to carry or favor."[3]

Some may dislike certain—or even most—of the viewpoints expressed on *The View* or similar shows. Such dislike, however, cannot justify using regulatory processes to restrict those views. The government does not get to decide "what shall be orthodox in politics, nationalism, religion, or other matters of opinion."[4] Or which "ideas and beliefs [are] deserving of expression [and] consideration."[5] The danger is that the government will simply decide which perspectives to regulate and which to leave undisturbed. In fact, while the Commission now questions *The View*'s decades-long exemption, it has not expressed any inclination to apply a similar

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[2] *Moody v. NetChoice, LLC*, 603 U.S. 707, 742 (2024).

[3] *U.S. Telecom Ass'n v. FCC*, 855 F.3d 381, 435 (D.C. Cir. 2017) (Kavanaugh, J., dissenting from denial of rehearing en banc).

[4] *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

[5] *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994).

interpretation of the equal opportunities rule to other broadcasters, including the many voices—conservative and liberal—on broadcast radio. And as a broad array of voices, including many conservatives, have recognized, if the government is allowed to discriminate on the basis of viewpoint in a Republican administration, there is little preventing it from doing so when the Democrats are in charge.[6]

Until now, it has never been disputed that *The View* qualifies as a bona fide news interview program. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau confirming that status. That Declaratory Ruling remains in full force and effect. The Commission has taken no action over the last two decades to modify or overturn the Declaratory Ruling and there is no basis for doing so now. Given that KTRK Television acted in good faith reliance on the Declaratory Ruling and the consistent guidance provided by the Commission for decades, the Commission cannot find now that KTRK Television violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.

Nevertheless, at the end of March, the Media Bureau ordered KTRK Television to file another Petition for Declaratory Ruling regarding *The View*'s status as a bona fide news interview program. In parallel, on April 28, 2026, the Media Bureau issued an extraordinary order demanding the early filing of all of ABC's license renewal applications, including for KTRK-TV. Combined with the Commission's other recent actions, including publicly

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[6] *See, e.g.*, Alexandra Koch, *Cruz warns conservatives 'will regret' FCC censorship push against ABC, other media outlets*, Fox News (Sept. 19, 2025), https://foxnews.com/politics/cruz-warns-conservatives-will-regret-fcc-censorship-push-against-abc-other-media-outlets; Ben Shapiro, *Glad Kimmel's Gone But Don't Overreach*, The Daily Wire (Sept. 18, 2025), https://www.dailywire.com/news/glad-kimmels-gone-but-dont-overreach.

announcing its investigation concerning *The View* and presaging an outcome,[7] this suggests that the Commission is implementing major shifts in policy and practice, including how the Commission intends to apply the equal opportunities requirements. Such an abrupt and substantial change in long-established policy requires the action of the full Commission and the oversight of the courts.

The View continues to qualify as a bona fide news interview program because it continues to meet all of the legal requirements set forth by Congress and the Commission. Specifically, (1) *The View* is a regularly scheduled program, (2) *The View* is fully controlled by ABC, which produces the show for broadcast by the ABC Television Network, and (3) decisions concerning *The View*'s format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy. With respect to whether a broadcaster's programming decisions are based on newsworthiness, the Commission has long recognized that it was Congress's intent that the Commission respect the good faith news judgments of broadcast licensees.

Uncertainty as to the scope of broadcast licensees' editorial discretion threatens to limit news coverage of political candidates and chill core First Amendment-protected speech for years and potentially decades to come. As the 2026 midterm election approaches, the American people need more access to political news and more exposure to political candidates, not less. The Commission therefore must act quickly to assure broadcasters that it will uphold long-established legal standards by affirming that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

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[7] *See, e.g.*, Madison Columbo, *FCC chair warns 'The View' faces 'uphill climb' in equal-time probe*, Fox Business (Feb. 27, 2026), https://www.foxbusiness.com/media/fcc-chair-warns-the-view-faces-uphill-climb-equal-time-probe.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

I. INTRODUCTION.

By this Petition, KTRK Television, Inc. ("KTRK Television"), licensee of station KTRK-TV, Houston, Texas ("KTRK"), and its parent company, American Broadcasting Companies, Inc. (individually and together with KTRK Television, "ABC"), comply with the Commission's unprecedented order to request that the Commission affirm that *The View* is a "bona fide news interview" program under 47 U.S.C. § 315(a).[8] The Commission has analyzed this program already, and the factors that drove that decision remain controlling today. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau that *The View* qualifies as a bona fide news interview program. Consistent with that ruling, hundreds of political candidates across the political spectrum and other notable and newsworthy figures have appeared on *The View* over the past two decades, in full compliance with the Act and the Commission's rules.

However, as the 2026 election season approaches, recent statements from the Commission suggest a significant change in how it will apply its long-standing rules and

[8] While the Commission's order was directed to KTRK Television, the existing Declaratory Ruling was issued to ABC.

standards concerning the bona fide news exemptions to the equal opportunities requirements. On January 21, 2026, the FCC's Media Bureau released a *Public Notice* which purports to provide guidance on the equal opportunities requirement.[9] Rather than provide clarity, however, the *Public Notice* has created harmful ambiguity in an area where none previously existed and has a chilling effect on First Amendment-protected free speech on the eve of the 2026 elections. The *Public Notice* states that the Media Bureau "has not been presented with any evidence" that any current late night or daytime television talk show would qualify as a bona fide news interview program.[10] The *Public Notice* thus "encourages" any program or station that wishes to obtain formal assurance that it qualifies for the bona fide news exemption to file a request for declaratory ruling. The *Public Notice* reiterates certain elements of the standards that have long applied to the equal opportunities requirements and the bona fide news exemption, while simultaneously casting doubt on whether the Commission would continue to interpret those standards consistently with the approach it has taken for over 40 years.[11]

On February 11, 2026, the Media Bureau sent a Letter of Inquiry ("LOI") to KTRK Television concerning the appearance of senatorial primary candidate James Talarico on *The*

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[9] *FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations*, Public Notice, DA 26-68 (rel. MB Jan. 21, 2026) ("*Public Notice*").

[10] *Id.* at 4. The *Public Notice* conspicuously omits any reference to radio broadcasters.

[11] The *Public Notice* also contradicts prior Commission statements that formal petitions for declaratory ruling are not necessary for stations to be covered by the bona fide news exemptions. *See Request of Infinity Broadcasting Operations Inc.*, Declaratory Ruling, 18 FCC Rcd 18603, 18604 (MB 2003) ("*Infinity Declaratory Ruling*") ("[W]e emphasize that licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not seek formal declaration from the Commission that that such programs qualify as news exempt programming under Section 315(a).").

View, which aired on KTRK on February 2, 2026.[12] The LOI inquired whether the station had placed a record of the Talarico appearance in the station's political file and whether KTRK Television took the position that *The View* qualified as a bona fide news interview program. KTRK Television responded on February 12, 2026 that *The View* qualifies as a bona fide news interview program and, accordingly, the station had not placed a record of the Talarico appearance in the station's political file.

On March 26, 2026, the Media Bureau sent KTRK Television a Supplemental Letter of Inquiry ("SLOI") stating that it needed additional information concerning the matter.[13] The Bureau based its need for further inquiry on its assertion that "19 ABC affiliates serving parts of Texas all filed a notice of Mr. Talarico's February 2 appearance on *The View* pursuant to 47 CFR § 73.1943."[14] Thus, the Bureau suggested, "the assertion by KTRK Television, Inc. that *The View* qualifies for the *bona fide* news interview exception is not a position uniformly held by broadcasters that air the program."[15] The Bureau neglected to note, however, that while certain ABC affiliates documented Talarico's appearance in their online public inspection files, the filings were made more than two weeks after Talarico's appearance and apparently at the request of the FCC, which reportedly promised to eschew enforcement for the late filing. KTRK Television received no such request and no such offer, despite the Bureau specifically contacting

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[12] Letter from Erin Boone, Acting Chief, Media Bureau, FCC, to KTRK Television Inc., KTRK, Houston, TX (Fac. Id. 35675) (Feb. 11, 2026) ("LOI").

[13] Letter from Erin Boone, Chief, Media Bureau, FCC, to KTRK Television, Inc., KTRK, Houston, TX (Fac. Id. 35675), at 3 (Mar. 26, 2026) ("SLOI").

[14] *Id.*

[15] *Id.*

it about the Talarico appearance less than 10 days after it occurred.[16] The Bureau concluded the SLOI with an unprecedented order: "[W]e direct KTRK Television, Inc. to produce and submit to the Commission a petition for declaratory ruling regarding *The View* that satisfies the statutory requirements for a bona fide news exemption."[17]

The Bureau lacks the authority to issue an order mandating a licensee to file a petition for declaratory ruling. In support of its unprecedented order, the Bureau cited to the Commission's general authority to issue orders and conduct its proceedings as necessary to execute its functions.[18] Such authority, however, gives the Commission latitude to determine the manner in which it conducts its business, not blanket authority to order licensees to file petitions or initiate legal proceedings. Moreover, such an order flatly contradicts prior statements that "licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not

[16] At the time of the February 11, 2026, LOI, it appears that *none* of the 19 ABC affiliates referenced by the Media Bureau had seen fit to place a notification of the February 2 Talarico appearance in their political files.

[17] *Id.* On April 28, 2026, the Bureau issued an extraordinary order demanding that KTRK Television, along with all of ABC's broadcast licensees, file their license renewal applications years ahead of schedule, and has cited as its rationale the inadequacy of the Company's response to the FCC's investigation into the Company's diversity, equity, and inclusion (DEI) practices. *The Walt Disney Company, American Broadcasting Company, et. al.*, Order, DA 26-416, ¶ 2 n.1 (MB rel. Apr. 28, 2026). In that DEI investigation, the Company received a Letter of Inquiry from the Enforcement Bureau on June 5, 2025, and promptly negotiated an agreed scope and timetable for its responses with the Bureau. Between July and September 2025, the Company produced over 6,200 pages of documents in response consistent with the schedule and scope agreed to by the Bureau. The Company next heard from the Commission five months later when the Commission issued an expansive Supplemental Letter of Inquiry. The Company completed its response to the Supplemental Letter of Inquiry on April 21, 2026, on the timetable agreed to by the Bureau, producing a 38 page narrative response to the Commission's 78 additional written requests and producing an additional 4,839 pages of documents—one week before the Bureau's order requiring early license renewal applications.

[18] *Id.* (citing 47 U.S.C. § 154(i) and(j) and 47 C.F.R. § 1.1).

seek formal declaration from the Commission that such programs qualify as news exempt programming under Section 315(a)."[19]

As for the merits, the Commission should interpret the exception to cover *The View* to avoid the serious constitutional problems that would arise from applying the equal opportunities rule to the program. While the Supreme Court may once have upheld the FCC's distinct "personal attack" and "political editorial" regulations,[20] the fundamental factual predicates of that decision no longer exist. The decision to hold broadcasters—and broadcasters alone—to a different First Amendment standard was dubious then and unsupportable now. In the absence of any meaningful scarcity of information resources, it is difficult to see how the equal opportunities rule can survive First Amendment scrutiny. The Commission should avoid those constitutional concerns by affirming that *The View* still qualifies for a Section 315(a) exemption as a bona fide news interview program.

As noted above, the Commission previously ruled that *The View* is exempt from the equal opportunities requirements as a bona fide news interview program. There has been no subsequent action from the Commission modifying or overturning that ruling. As KTRK (and all other stations airing *The View*) acted in accordance with that determination, the Commission cannot find that KTRK Television or any other licensee violated any aspect of those requirements with respect to the appearance of Talarico or any other political candidate on *The View*.

ABC stresses its full commitment to compliance with all regulations, statutes and, of course, the Constitution, and believes it has acted consistently with them. As demonstrated herein, there can be no doubt that *The View* continues to qualify as an exempt bona fide news

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[19] *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

[20] *Red Lion Broad. Co. v. FCC*, 395 U.S. 367 (1969).

interview program. As additional elections approach, however, ABC and similarly situated broadcasters face complex programming decisions, including with respect to bookings of legally qualified candidates. Uncertainty fostered by the *Public Notice* as to the scope of broadcast licensees' editorial discretion and, conversely, their obligation to air material that they otherwise might not, chills core First Amendment-protected speech.

Because of this uncertainty and its harmful effects on free speech, it is critical that the Commission act quickly to reaffirm its long-standing principles concerning bona fide news programming, as well as *The View*'s qualification as a bona fide news interview program. Affirming *The View*'s exempt status will advance the Congressional mandate to bring "the news concerning political races to the greatest number of citizens,"[21] support the public interest service provided by broadcast station licensees, and ratify the Commission's dedication to core First Amendment principles. Indeed, constitutional avoidance compels *The View*'s continued qualification for an equal opportunities exemption.

It is equally critical that any further action in this matter be conducted via consideration by and a vote of the full Commission and not by Media Bureau staff acting under delegated authority. While the Commission may delegate some functions to Bureau staff, changes in long-standing Commission rulings can only be made by the Commission itself.[22] The Commission established its current approach to bona fide news interview programs over 40 years ago and has consistently applied it ever since. Changes in the law must come from the Commission itself, not Bureau staff. In addition, because this matter will impact elections—many of which are in full swing—it is vital that this matter be resolved quickly by the Commission and, if necessary,

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[21] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

[22] *See* 47 U.S.C. §§ 155(c)(1)-(3); 47 C.F.R. § 0.5(c).

the courts. Bureau level action in this matter would only result in delay that will chill time sensitive news coverage of elections. News delayed is news denied and, as Senators Ted Cruz and Maria Cantwell recently reminded the Commission, "[t]hat concern is not merely academic. Process choices in high-profile cases establish precedent."[23]

ABC therefore requests that the Commission act expeditiously to affirm its long-standing approach to the bona fide news interview exemption and the Commission's continued support of the public interest services provided by broadcast stations.

II. FIRST AMENDMENT CONSIDERATIONS MUST GOVERN THE COMMISSION'S ACTIONS.

A. The Equal Opportunities Rule Raises Profound First Amendment Concerns.

The First Amendment emphatically protects "both the right to speak freely and the right to refrain from speaking at all."[24] Since "all speech inherently involves choices of what to say and what to leave unsaid," it is bedrock law that "one who chooses to speak may also decide 'what not to say.'"[25] For the broadcast media, each right is equally important. Curating news programming requires editorial decisions about what stories, guests, and topics to feature—choices that inevitably require trade-offs. Those decisions define a broadcaster's speech offering and its contribution to public discourse. And those editorial decisions are especially important today, as broadcasters attempt to inform and entertain the public in competition with a cacophony of other voices and sources of information, from cable television to social media to artificial intelligence tools. The First Amendment thus protects "editorial discretion in the

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[23] Letter from Ted Cruz & Maria Cantwell to Brendan Carr, Chairman, FCC (Mar. 30, 2026) (Chair & Ranking Member, Senate Committee on Commerce, Science, and Transportation).

[24] *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

[25] *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995).

selection and presentation" of speech.[26] Under the First Amendment, the government is not in the business of compelling or suppressing speech to achieve officials' ideal or preferred news presentations.

Governments are free to criticize private speech, but not to compel or suppress it. When the government has sought to shape the news landscape, the Supreme Court has roundly rejected those efforts. In *Miami Herald Pub. Co. v. Tornillo*, for instance, the Court invalidated a Florida law requiring newspapers to offer political candidates space to respond to negative press.[27] The Court stressed that the "choice of material to go into a newspaper, and the decisions made as to … treatment of public issues and public officials—whether fair or unfair—constitute the exercise of editorial control and judgment," which is itself protected speech.[28] Whatever interest the state may have had in "ensur[ing] that a wide variety of views reach[ed] the public" is not sufficiently compelling to force a newspaper to "print that which it would not otherwise print."[29]

That is hardly the only context in which the Court has rejected the notion that the government may restrict the First Amendment rights of private parties in service of "balancing" the public's information diet. Most recently, the Court rejected state efforts to force social media companies to disseminate speech in order "to achieve [the state's] own conception of speech nirvana."[30] Whatever the medium, the government may not tell private parties "how to exercise their editorial discretion about what content to carry or favor."[31] The government may not "tell

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[26] *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 674 (1998).

[27] *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256 (1974).

[28] *Id.* at 258.

[29] *Id.* at 248.

[30] *Moody*, 603 U.S. at 742.

[31] *U.S. Telecom Ass'n*, 855 F.3d at 435 (Kavanaugh, J., dissenting from denial of rehearing en banc).

Amazon or Politics & Prose what books to promote; or tell *The Washington Post* or the *Drudge Report* what columns to carry; or tell ESPN or the NFL Network what games to show; or tell *How Appealing* or *Bench Memos* what articles to feature; or tell Twitter or YouTube what videos to post; or tell Facebook or Google what content to favor."[32]

The equal opportunities rule operates in the teeth of these principles, compelling and chilling speech by broadcasters. The rule provides, in relevant part, that "[i]f any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."[33] By forcing broadcasters to air *all* qualified candidates without regard to their newsworthiness, the rule squelches editorial discretion: Sometimes that means a broadcaster will be compelled to change its offerings and broadcast speech it views as unnewsworthy, and sometimes it means a broadcaster will self-censor and refrain from speech it believes is newsworthy to avoid obligations to multitudes of less-newsworthy aspirants to elected office. The equal opportunities rule is utterly irreconcilable with the Court's repeated admonitions that "a speaker has the autonomy to choose the content of [its] own message."[34] Just as the government may not compel private parties to convey its own message,[35] it may not compel one private speaker to convey the message of another.[36]

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[32] *Id.*

[33] 47 U.S.C. § 315(a).

[34] *Hurley*, 515 U.S. at 573.

[35] *W. Va. State Bd. of Educ.*, 319 U.S. 624.

[36] *303 Creative LLC v. Elenis*, 600 U.S. 570, 588-89 (2023); *Hurley*, 515 U.S. at 573; *Pac. Gas and Elec. Co. v. Pub. Utils. Comm'n*, 475 U.S. 1, 11 (1986) (plurality op.); *Tornillo*, 418 U.S. at 258.

To be sure, the Supreme Court's decision in *Red Lion* held that those principles applied somewhat differently in the 1960s broadcasting context.[37] But *Red Lion*'s factual predicates no longer obtain.[38] The *Red Lion* Court upheld the FCC's "personal attack" and "political editorial" regulations, reasoning that these aspects of the fairness doctrine were permissible in view of scarce broadcast spectrum and the right of the public to information.[39] These justifications were dubious then—"[t]he text of the First Amendment makes no distinctions among print, broadcast, and cable media,"[40] and in any event "[a]ll economic goods are scarce, not least the newsprint, ink, delivery trucks, computers, and other resources that go into the production and dissemination of print journalism."[41] But they are unsupportable now in an age of information ubiquity. The public does not rely on compelling broadcasters' speech "to receive suitable access to social, political, esthetic, moral, and other ideas and experiences,"[42] when seemingly endless sources of information abound at the tap of a smartphone. Indeed, *Red Lion* itself "implied that its result would have been different in the absence of such a [scarcity] predicate,"[43]—a reservation to which the Court,[44] and several justices,[45] have subsequently alluded.

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[37] *Red Lion*, 395 U.S. at 386-93.

[38] *See FCC v. Fox Television Stations, Inc*., 556 U.S. 502, 530 (2009) (Thomas, J., concurring).

[39] 395 U.S. at 389-92.

[40] *Denver Area Educ. Telecomm. Consortium, Inc. v. FCC*, 518 U.S. 727, 812 (1996) (Thomas, J., joined by Rehnquist, C.J. and Scalia, J., concurring in part).

[41] *Telecommunications Rsch. & Action Ctr. v. FCC*, 801 F.2d 501, 508 (D.C. Cir. 1986).

[42] *Red Lion*, 395 U.S. at 390.

[43] *Time Warner Ent. Co., L.P. v. FCC*, 105 F.3d 723, 725 (D.C. Cir. 1997) (Williams, J. dissenting from denial of rehearing en banc).

[44] *FCC v. League of Women Voters of Cal.*, 468 U.S. 364, 376 n.11 (1984).

[45] *Fox Television Stations*, 556 U.S. at 533 (Thomas, J., concurring).

Shorn of scarcity concerns that are no longer tenable, the equal opportunities rule is in serious tension with the First Amendment. Much as with Section 315(a), the State in *Tornillo* argued that the right-of-reply statute was critical "to ensure that a wide variety of views reach the public."[46] The press, the State lamented, had become "enormously powerful and influential in its capacity to manipulate popular opinion and change the course of events."[47] The "result," the state continued, was "to place in a few hands the power to inform the American people and shape public opinion," leading to "homogeneity of editorial opinion, commentary, and interpretive analysis" and "abuses of bias and manipulative reportage."[48] The Court refused to allow these fears to override the speech rights of newspapers, finding that the law's blatant "intrusion into the function of editors" decidedly failed to "clear the barriers of the First Amendment."[49] The Court has rejected precisely the same speech-balancing rationale in invalidating a ban on public-broadcaster editorializing.[50] *League of Women Voters of Cal.* emphasized that determining the constitutionality of broadcaster regulations "requires a critical examination of the interests of the public and broadcasters in light of the particular circumstances of each case,"[51] and ultimately struck down the policy.

Because Section 315(a) "restrict[s] precisely that form of speech which the Framers of the Bill of Rights were most anxious to protect—speech that is 'indispensable to the discovery

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[46] 418 U.S. at 247-48.

[47] *Id.* at 249.

[48] *Id.* at 250.

[49] *Id.* at 258.

[50] *League of Women Voters of Cal.*, 468 U.S. at 398 (invalidating the Communications Act's prohibition in Section 399 for noncommercial broadcast stations that received grants from the Corporation for Public Broadcasting from engaging in editorializing).

[51] *Id.* at 381.

and spread of political truth'—[courts] must be especially careful in weighing the interests that are asserted in support of this restriction and in assessing the precision with which" the requirement operates.[52] It is difficult to see how Section 315(a) can survive that "careful … weighing." In short, if the Supreme Court were to consider the question anew—as several Justices have suggested it should—it is hard to see how it could hold the equal opportunities rule constitutional.

B. At Minimum, the Equal Opportunities Rule Could Not Survive Constitutional Scrutiny Without a Robust Bona Fide News Exemption.

At a minimum, the equal opportunities rule could not survive constitutional scrutiny without the kind of robust bona fide news exemption that the Commission has applied for decades. "When legislation and the Constitution brush up against each other," an agency's "task is to seek harmony, not to manufacture conflict."[53] By adding the bona fide news exemption to the equal opportunities rule, Congress provided a means by which the rule can be "construed to avoid serious constitutional doubts."[54] But the bona fide news exemption can operate as a First Amendment pressure-release valve only if the Commission maintains the robust interpretation of the exemption that it has long employed.

The equal opportunities rule was adopted as part of the Radio Act of 1927 to help ensure that candidates for public office were treated in an equal manner with respect to access to broadcast facilities. This was particularly important at that time and for the next several decades, when broadcast radio and television represented the sole forms of mass media and the only

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[52] *Id.* at 383.

[53] *United States v. Hansen*, 599 U.S. 762, 781 (2023).

[54] *Fox Television Stations*, 556 U.S. at 516.

means by which political candidates could communicate their direct message to mass audiences. Nevertheless, Congress had come to recognize even by the time of *Red Lion* that the equal opportunities rule imposed substantial burdens on, and threatened to chill, broadcast stations' coverage of political information. That concern became particularly acute after the Commission reversed longstanding precedent and imposed equal-opportunities obligations based on candidate appearances during newscasts.[55]

Congress responded in 1959 by adding the bona fide news exemption to foster coverage of political campaign activity and preserve broadcasters' discretion to exercise their good faith news judgment in deciding which candidates to cover and in what formats.[56] As the legislative history confirms, Congress's goal in doing so was "to enable what probably has become the most important medium of political information to give the news concerning political races to the greatest possible number of citizens, and to make it possible to cover the political news to the fullest degree."[57] To that end, Congress provided:

> Appearance by a legally qualified candidate on any—
>
> (1) bona fide newscast,
> (2) bona fide news interview,
> (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
> (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

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[55] *Petitions of Columbia Broadcasting System, Inc., and National Broadcasting Co*., Interpretive Opinion, 26 F.C.C. 715 (1959); *see Chisholm v. FCC*, 538 F.2d 349, 351-52 (D.C. Cir. 1976).

[56] *See, e.g.*, 105 Cong. Rec. 14446 (1959) (statement of Sen. McNamara) (the amendments leave "the control of news coverage of politics in the hands of the broadcasters"); *see also Request by Multimedia Entertainment, Inc. for Declaratory Ruling*, Memorandum Opinion and Order, 56 Rad. Reg. 2d 143, 144 (1984) ("*Donahue Decision*") ("Congress contemplated and intended to encourage increased news coverage of political campaign activity.").

[57] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

> shall not be deemed to be use of a broadcasting station within the meaning of this subsection.[58]

Those exemptions notably are not confined to traditional "newscasts," but rather sweep in (among other things) "bona fide news interview" programs.[59] While Congress did not attempt to specifically define the types of programs that would qualify as bona fide news interviews, the legislative history identified factors such as whether a program is "regularly scheduled," and whether its "content and format" are "determined by the licensee" or by the network "in the exercise of its 'bona fide' news judgement and not for the political advantage of the candidate for public office."[60]

In keeping with that guidance, which the Commission concluded Congress had "enjoined" it to follow,[61] the Commission established three factors to determine whether something qualifies as a bona fide news interview: (1) whether the program is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether the broadcaster's or independent producer's decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy.[62] The overarching newsworthiness consideration reflects Congress's

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[58] 47 U.S.C. § 315(a).

[59] 105 Cong. Rec. 17776, 17777 (1959) (Conference Report) ("[A]n appearance on a 'bona fide news interview' is exempted without regard to whether it is included as part of a newscast.").

[60] 105 Cong. Rec. at 17777. *See also id.* at 17782 (statement of Sen. Harris) ("This requirement regarding the bona fide nature of the newscast, news interview or news events was not included without careful thought by the conference committee. It sets up a test which appropriately leaves reasonable latitude for the exercise of good faith news judgment on the part of broadcasters and networks.").

[61] *See Inquiry Concerning "Equal Time" Requirements Under Section 315 of the Communications Act of 1934, as amended*, 40 F.C.C. 395, 396 (1964).

[62] *See, e.g.*, *Hearst Television Inc.*, Declaratory Ruling, 31 FCC Rcd 7191, 7192-93 (MB 2016) (citing *ANE Productions Inc.*, Declaratory Ruling, 26 FCC Rcd 16148, 16149 (MB 2011) ("*ANE*

decision to qualify each exemption with the term "bona fide," thereby emphasizing that the key question is whether programming at issue is of genuine news value, as opposed to designed for the partisan purpose of advancing or harming any particular candidate.[63]

While the Commission's application of that three-part test evolved in the early years, it has remained largely stable since the landmark *Donahue Decision* in 1984, in which the Commission recognized that the exemption must be interpreted consistent with "Congress' overriding intent to increase news coverage of the political campaign process."[64] In the *Donahue Decision*, the Commission reversed a prior decision denying a bona fide news interview exemption to the talk show *Donahue*.[65] In doing so, the Commission applied the standard three-part test. First, the Commission recognized that there was no dispute as to whether *Donahue* was regularly scheduled. With respect to the second prong, whether the program's producers maintained control over the program, the Commission explicitly concluded that a talk show format did not preclude a finding of licensee control:

> [I]t would be unsound to rule that a program involving a unique or innovative approach to interviewing its guests somehow lacks sufficient licensee control evident in more traditional news interview programs like

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Declaratory Ruling"); *Request of ABC, Inc. for Declaratory Ruling*, 15 FCC Rcd 1355, 1358 (MMB 1999) ("*ABC Declaratory Ruling*")).

[63] *See Petitions of Henry Geller and National Association of Broadcasters and the Radio-Television News Directors Association to change Commission interpretation of Subsections 315(a)(3) and (4) of the Communications Act*, Report and Order, 95 F.C.C.2d 1236, 1243 (1983), *aff'd sub nom League of Women Voters Educ. Fund v. FCC*, 731 F.2d 995 (D.C. Cir. 1983).

[64] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358 (recognizing a shift in focus from programs with "more traditional question and answer formats" to "varying less conventional interview formats"); *see also Requests of Fox Broadcasting Company, Public Broadcasting Service, and Capital Cities/ABC, Inc. for Declaratory Rulings*, Declaratory Ruling, 11 FCC Rcd 11101, 11108 (1996) ("*Fox Declaratory Ruling*") ("Initially, the Commission interpreted the exemptions narrowly. Over the last twenty years, however, the Commission has interpreted the exemptions to allow for more diverse kinds of news programming, particularly with respect to the *bona fide* news interview and on-the-spot coverage of *bona fide* news event exemptions.").

[65] *Donahue Decision*, 56 Rad. Reg. 2d 143-44.

> "Meet the Press" or "Face the Nation" when the licensee has implemented reasonable techniques to ensure control. To do so would discourage programming innovation by sending a signal to broadcasters that to be exempt an interview program should adhere only to the format of certain programs mentioned by Congress over twenty-five years ago.[66]

Regarding the third prong, the Commission held that "[t]he proper Commission concern is limited to whether a licensee's claim of newsworthiness is reasonable" and that "it would seem elemental that Congress contemplated interviews with elected officials and candidates for elected office as newsworthy subject matter."[67] Noting that "Congressional intent is to defer substantially to the good faith news judgments of broadcast licensees," the Commission held *Donohue* qualified for the bona fide news interview exemption.[68]

In the ensuing 40 years, the Commission has consistently reaffirmed this approach, finding that a wide variety of programs qualify as bona fide news interview programs, including programs that featured non-traditional formats and hosts without formal journalistic backgrounds. As the Mass Media Bureau explained in 1999, "[i]n attempting to fulfill the letter and the spirit of the law, the Commission's decisions in this area have continued to expand the kinds of programming eligible for exemption in recognition of change and innovation in broadcast production."[69] Programs deemed qualified as bona fide news interview programs include such varied programs as *The Morning Program* (1987), *Geraldo* (1988), *Sally Jessy Raphael* (1991), *Later with Bob Costas* (1991), *The Jerry Springer Show* (1994), *The Howard Stern Show* (2003), *Governor Heineman's Call-In Show* (2006), and *The Tonight Show* (2006).[70]

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[66] *Id.* at 146.

[67] *Id.* at 147.

[68] *Id.* at 148.

[69] *ABC Declaratory Ruling*, 15 FCC Rcd at 1359.

[70] *Request by CBS Inc. for Declaratory Ruling*, 2 FCC Rcd 4377 (MMB 1987); *Request of Tribune Broadcasting Company for Declaratory Ruling*, 3 FCC Rcd 6248 (MMB 1988); *Request*

For example, in 2008 the Media Bureau found that the news interview segments of *The 700 Club* qualified for the bona fide news interview program exemption.[71] In making its determination, the Bureau emphasized assurances that, among other things, "all questions are prepared by a CBN employee based upon journalistic news principles" and that interviewees were selected based on newsworthiness and other factors.[72]

Similarly, in *ANE Productions Inc*., the Media Bureau found that the daytime talk show *Anderson*, which featured "a mixture of news and entertainment topics," qualified for the bona fide news interview exemption.[73] The producers of the program stated that "the format also includes interviews with celebrity guests and that 'qualified candidates for political office will be interviewed when their stories are considered by the producers to be relevant and newsworthy.'"[74] In its discussion of the case, the Bureau noted its long-standing position that "its 'role is not to decide, by some qualitative analysis, whether one kind of news story is more *bona fide* than another … [s]o long as the program characteristics set out by Congress are met,

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of Multimedia Entertainment, Inc. for Declaratory Ruling, 6 FCC Rcd 1798 (MMB 1991); *Request of National Broadcasting Co., Inc. for Declaratory Ruling*, 6 FCC Rcd 5200 (MMB 1991); *Request of Multimedia Entertainment, Inc. for Declaratory Ruling*, 9 FCC Rcd 2811 (MMB 1994); *Infinity Declaratory Ruling*, 18 FCC Rcd 18603; *Request of Nebraska Broadcasters Association for Declaratory Ruling*, 21 FCC Rcd 10742 (MB 2006) ("*NBA Declaratory Ruling*"); *Equal Opportunities Complaint Filed by Angelides For Governor Campaign Against 11 California Television Stations*, 21 FCC Rcd 11919 (MB 2006).

[71] *Petition of The Christian Broadcasting Network for Declaratory Ruling*, 23 FCC Rcd 7165, 7166 (MB 2008).

[72] *Id.*

[73] *ANE Declaratory Ruling*, 26 FCC Rcd at 16148.

[74] *Id.*

[its] role is properly limited to determining whether a broadcaster was reasonable in deciding that a program fits within an exemption.'"[75]

Likewise, in 1999 the Bureau found that *Politically Incorrect with Bill Maher* qualified for the bona fide news interview exemption.[76] The Bureau followed the standard three-part test; with respect to the second prong—whether the broadcaster controls the program—the Bureau credited the broadcaster's "various reasonable mechanisms" for maintaining control over the production, finding that "those structural safeguards appear reasonably designed to assure that good faith news judgment can be adequately protected."[77] Acknowledging the guidance from Congress and the Commission's decision in *Donohue* to "not second-guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion," the Bureau found that decisions about format, content and selection of participants on *Politically Incorrect* were based on newsworthiness and not motivated by any partisan purpose, despite the satirical nature of some of the program content.[78]

Notably, the Commission's analysis of the "bona fide" nature of a program has never rested on an examination of the political views of the program's host or required a host to profess partisan neutrality. Indeed, the Commission has granted exemptions to programs hosted by elected officials (a group not generally known for partisan neutrality). For instance, in 2006, the Media Bureau concluded that both *Governor Heineman's Call-In Show* and *Senator Ben*

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[75] *Id.* at 16469 (quoting *Request for Declaratory Ruling By Paramount Pictures Corporation, Cox Broadcasting Corporation, Taft Television Productions, and Television Program Enterprises*, 3 FCC Rcd 245, 245-46 (MMB 1988)).

[76] *ABC Declaratory Ruling*, 15 FCC Rcd 1355.

[77] *Id.* at 1359.

[78] *Id.*

Nelson's Call-In Show qualified for the bona fide news interview exemption under Section 315(a)(2) of the Act.[79]

In short, in accordance with Congressional intent and the requirements of the First Amendment, the Commission has consistently given deference to broadcasters' good faith judgment.[80] And courts have long affirmed that this deference is necessary to avoid the equal opportunities rule's encroaching on core First Amendment rights. As the D.C. Circuit put it, "absent evidence of broadcaster intent to advance a particular candidacy, the judgment of the newsworthiness of an event is left to the reasonable news judgment of professionals."[81] The First Amendment demands nothing less.

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[79] *NBA Declaratory Ruling*, 21 FCC Rcd at 10742-43.

[80] *See, e.g.*, *Fox Declaratory Ruling*, 11 FCC Rcd at 11108 ("In recognition of Congress' primary goal in enacting the exemptions – to facilitate a better informed electorate through greater news coverage of the political process – the Commission has accorded greater deference to a licensee's good faith news judgment."); *Donahue Decision*, 56 Rad. Reg. 2d at 148.

[81] *Kennedy for President Comm. v. FCC*, 636 F.2d 417, 427 (D.C. Cir. 1980) (quoting *Chisholm*, 538 F.2d at 359). Courts have long recognized this Congressional intent in interpreting the scope and application of the Section 315(a) exemptions. The D.C. Circuit, for instance, noted that Congress had concluded that "the concept of absolute equality among competing political candidates would have to give way, to some extent, to two other 'worthy and desirable' objectives: First, the right of the public to be informed through broadcasts of the political events; and Second, the discretion of the broadcaster to be selective with respect to the broadcasting of such events." *Chisholm*, 538 F.2d at 352 (citing Hearings on Political Broadcasts Equal Time Before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce, 86th Cong., 1st Sess. 2 (1959) (statement of Chairman Harris)). Thus, the Court stated, "[i]n creating a broad exemption to the equal time requirements in order to facilitate broadcast coverage of political news, Congress knowingly faced risks of political favoritism by broadcasters, and opted in favor of broader coverage and increased broadcaster discretion." *Chisholm*, 538 F.2d at 366.

III. *THE VIEW* IS A BONA FIDE NEWS INTERVIEW PROGRAM TODAY, JUST AS IT WAS IN 2002.

As the foregoing should make clear, the best way for the Commission to avoid the grave First Amendment problems that the equal opportunities rule presents is by holding, as it did in 2002, that *The View* qualifies for a Section 315(a) exemption as a bona fide news interview program. *The View* continues to easily satisfy the criteria the Commission has long applied. And interpreting the bona fide news interview program exemption to exclude shows like *The View* would only exacerbate the constitutional problems with the statutory scheme.

A. Description of *The View*.

The View is an ABC Television Network program that has aired weekday mornings since August 1997. *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers from all walks of life and points of view.

Now in its 29th season, *The View* has remained committed to this format that has made it one of the most successful and longest-running daytime programs of all time. Although the co-host line up has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.[82]

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[82] *The View* also features guest co-hosts from time to time including, for example, Savannah Chrisley, who filled in during Griffin's maternity leave in February 2026. *See* Olivia Rondeau,

- Joy Behar was one of the original hosts of *The View* when it premiered in 1997. Ms. Behar is among today's leading media personalities and has won numerous awards, including the 2009 Daytime Emmy Award for Outstanding Talk Show Host.[83] Ms. Behar's professional background is rooted in education and news production. She went on to serve as a producer for ABC News' *Good Morning America*, hosted *The Joy Behar Show* on CNN's HLN, and frequently guest-hosted *Larry King Live*.[84] She also hosted a WABC radio program, and worked as a high school English teacher for several years before transitioning to media.[85] Ms. Behar holds a Bachelor of Arts in sociology from Queens College and a Master's Degree in English Education from Stony Brook University.[86]

- Alyssa Farah Griffin is a Republican political strategist who joined *The View* as a co-host in 2022.[87] Ms. Griffin served as White House Director of Strategic Communications and Assistant to President Donald Trump during his first term and previously held roles as Press Secretary for the Department of Defense and Deputy Assistant to the Secretary of Defense in prior Republican administrations. From 2017 to 2019, she served as Press Secretary for former Vice President Mike Pence, and previously spent several years working as a senior communications aide for Representative Mark Meadows (R-NC) and the House Freedom Caucus under Representative Jim Jordan (R-OH) and Meadows. Ms. Griffin began her career in journalism as a broadcast media intern at the National Journalism

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Trump-Supporting TV Personality Savannah Chrisley to Guest Host 'The View', Breitbart (Feb. 5, 2026), https://www.breitbart.com/entertainment/2026/02/05/trump-supporting-tv-personality-to-guest-host-the-view. More recently, former co-host Elisabeth Hasselbeck returned to the show last month, garnering attention due to her defense of U.S. military actions in Iran. *See* Julia Moore, *Elisabeth Hasselbeck's Return to The View Is Interrupted by Trump's Remarks on Iran*, People (Mar. 2, 2026), https://people.com/elisabeth-hasselbeck-return-to-the-view-interrupted-by-trumps-remarks-on-iran-11917380. Co-host selection is "all about a different point[s] of view at the table," and ensuring the panel consists of people "who are good at this job." Ted Johnson, *Elisabeth Hasselbeck, Abby Huntsman & Savannah Chrisley To Be Among Guest Co-Hosts On 'The View' During Alyssa Farah Griffin's Maternity Leave*, Deadline (Feb. 4, 2026), https://deadline.com/2026/02/the-view-guest-co-hosts-alyssa-farah-griffin-1236708881.

[83] Joy Behar, ABC.com, https://abc.com/cast/b2ffc195-a56a-49d4-812a-a918a6fa717c (last visited Apr. 25, 2026) (cast biography).

[84] Lacey Rose, *HLN Confirms 'The Joy Behar Show' Has Not Been Renewed*, The Hollywood Reporter (Nov. 17, 2011), https://www.hollywoodreporter.com/news/general-news/hln-confirms-joy-behar-show-cancelled-263095.

[85] Joy Behar, CNN, https://www.cnn.com/CNN/anchors_reporters/behar.joy.html (last visited Apr. 25, 2026) (anchors and reporters biography).

[86] Zoey Lyttle, *Joy Behar's Life in Photos*, People (Oct. 7, 2022), https://people.com/tv/joy-behars-life-in-photos.

[87] Alyssa Farah Griffin, ABC.com, https://abc.com/cast/8003d444-bb1c-4fcb-9fd4-4f941247fef0 (last visited Apr. 25, 2026) (cast biography).

Center.[88] Ms. Griffin holds a Bachelor of Arts in journalism from Patrick Henry College.[89]

- Whoopi Goldberg has served as moderator and co-host of *The View* since 2007. An award-winning actress, producer and author,[90] Ms. Goldberg's career launched on Broadway in 1984 with her critically acclaimed one-woman stage show, *Whoopi Goldberg*. Ms. Goldberg made her Hollywood debut in Steven Spielberg's *The Color Purple*, earning an Academy Award nomination for Best Actress, and later won the Academy Award for Best Supporting Actress for her role in *Ghost*. In 2001, she received the Mark Twain Prize for American Humor. In 2002, she completed the rare EGOT distinction, having earned an Emmy, Grammy, Oscar, and Tony Award (as a producer of the musical *Thoroughly Modern Millie*).[91] Prior to joining *The View,* Ms. Goldberg also hosted *The Whoopi Goldberg Show* and a nationally syndicated morning radio program, *Wake Up with Whoopi*. Beyond performance, she has written several books, including a collection of humorous essays, and two children's books, and serves as a UNICEF International Goodwill Ambassador.[92] She has been honored with an honorary degree from Wilson College.[93] Goldberg has stated she does not identify with a specific political party.[94]

- Sara Haines, a former ABC News correspondent, joined *The View* as a co-host from 2016 to 2018, and returned to the program in 2020 after co-hosting ABC's

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[88] Alyssa Griffin, Legistorm.com, https://www.legistorm.com/person/bio/220812/Alyssa_Farah_-Griffin/hashkey/f7c373fb.html (last visited Apr. 25, 2026).

[89] Marjorie Pratt, *White House Spotlight: Alyssa Farah* (May 18, 2020), https://www.phc.edu/-learnphc/alyssa-farah.

[90] Whoopi Goldberg, ABC.com, https://abc.com/cast/00fdbde0-e115-4778-9dc8-b7091ce2caa9 (last visited Apr. 25, 2026) (cast biography).

[91] Whoopi Goldberg, Encyclopedia Britannica (last updated Apr. 13, 2026), https://www.britannica.com/biography/Whoopi-Goldberg.

[92] Whoopi Goldberg, American Academy of Achievement, https://achievement.org/achiever/whoopi-goldberg (last visited Apr. 25, 2026); Whoopi Goldberg, Yale Center for Dyslexia & Creativity, https://dyslexia.yale.edu/story/whoopi-goldberg (last visited Apr. 25, 2026) (biographical profile and interview).

[93] William C. Trott, *Whoopi By Degrees*, UPI (Dec. 4. 1987), https://www.upi.com/Archives/1987/12/04/WHOOPI-BY-DEGREES/7754565592400.

[94] Goldberg declared on the show that she does not subscribe to a particular political party ideology, in that she believes "the only way to get stuff done is to have both parties represented at the same time." Amanda Bell, *Whoopi Goldberg Explains Exactly Why She's Not a Democrat on 'The View'*, TV Insider (June 5, 2025), https://www.tvinsider.com/1195574/the-view-whoopi-goldberg-not-democrat-explained.

GMA Day.[95] Before joining ABC in 2013, Ms. Haines worked for NBC's *Today* show, beginning as a production coordinator in 2002 after completing NBC's Page Program.[96] She expanded her role at *Today* in 2008 as host of *TODAYshow.com*'s entertainment video blog *Backstage Pass*, through which she conducted celebrity interviews and offered behind-the-scenes coverage of the show. At ABC, she served as a network correspondent and pop news anchor for the weekend editions of *Good Morning America*, before transitioning to *The View*. Ms. Haines holds a Bachelor of Arts in government from Smith College.[97]

- Sunny Hostin, an attorney and investigative journalist, has been a co-host of *The View* since 2016. Before her television career, Ms. Hostin worked as an appellate law clerk to Chief Judge of the Maryland Court of Appeals Robert M. Bell.[98] Later, she joined the Department of Justice's antitrust unit under President Bill Clinton. Ms. Hostin also served as an assistant United States attorney specializing in child sex crimes under Attorney General Janet Reno, from whom she received a Special Achievement Award.[99] Moving into private practice, Ms. Hostin served as a Managing Director of Business Intelligence and Investigations at Kroll.[100] She subsequently built a prominent media presence, appearing weekly on the "Is It Legal?" segment of Fox News' *The O'Reilly Factor* and serving as a host and legal analyst at CNN. Ms. Hostin has also filled in as co-anchor for ABC News' *World News Now* and *America This Morning*.[101] She holds a degree in Communications from Binghamton University and a Juris Doctorate from Notre Dame Law School.

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[95] Hilary Lewis, *It's Official: Sara Haines Joins 'The View' as Season 20 Co-Host*, The Hollywood Reporter (Aug. 3, 2016), https://www.hollywoodreporter.com/news/general-news/sara-haines-joins-view-as-916914; Meaghan Darwish, *Why Was 'Strahan, Sara, and Keke' Canceled at ABC?*, TVInsider (Aug. 4, 2020), https://www.tvinsider.com/944258/strahan-sara-keke-canceled-abc.

[96] Sara Haines, ABC.com, https://abc.com/cast/59670fc4-d5a9-4101-96bd-7a83d68dbed8 (last visited Apr. 25, 2026) (cast biography).

[97] *Id*.

[98] Laurie Yarnell, *The View's Sunny Hostin Talks Life On and Off the Camera*, Westchester (Sept. 24, 2018), https://westchestermagazine.com/things-to-do/the-view-sunny-hostin-interview.

[99] *Breaking News, Everyone's Watching Sunny Hostin*, Executive Woman Media (Jan. 7, 2015), https://www.executivewomanmedia.com/breaking-news-everyones-watching-sunny-hostin.

[100] About Sunny, Sunny Hostin, https://sunnyhostin.com/abou/ (last visited Apr. 25, 2026).

[101] Sunny Hostin, The State University of New York, https://www.suny.edu/events/eop/sunny-hostin/ (last visited Apr. 25, 2026).

- Ana Navarro joined *The View* as a co-host in 2022, having previously appeared as a guest co-host on several occasions in 2013 and 2018.[102] Ms. Navarro is a Republican political strategist and senior political commentator on CNN. She has advised numerous federal and state campaigns in Florida and nationally. She subsequently worked on Governor Jeb Bush's transition team and served as his first Director of Immigration Policy. Ms. Navarro served as the National Hispanic co-chair and a national surrogate for John McCain's 2008 presidential campaign.[103] She also briefly held the same role for Governor Jon Huntsman's 2012 presidential campaign.[104] She self-identifies as a "lifelong Republican," "a centrist,"[105] and has credited President Ronald Reagan's support for the anticommunist rebels in Nicaragua as her inspiration for becoming a Republican. Ms. Navarro holds a Bachelor in Arts with Majors in Latin American Studies and Political Science from the University of Miami and a Juris Doctorate degree from St. Thomas University.[106]

While *The View* is known for engaging and entertaining banter between its co-hosts, the program also has been widely recognized for the journalistic impact of its content—particularly its interviews with newsmakers, including political candidates. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

Brian Teta is currently the Executive Producer of *The View*. Teta, a highly experienced television producer, joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017. Teta reports to Almin Karamehmedovic, the President of ABC News. As

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[102] Ana Navarro, ABC.com, https://abc.com/cast/8b1e427a-f54f-40a8-91f2-0cbd48dd347c (last visited Apr. 25, 2026) (cast biography).

[103] Ana Navarro-Cárdenas, Carnegie Corporation of New York, https://www.carnegie.org/awards/honoree/ana-navarro-cardenas (last visited Apr. 25, 2026).

[104] Navarro, ABC cast biography, *supra* note 102 .

[105] Ana Navarro, *Ana Navarro: Why I'm voting for Andrew Gillum (a Democrat!)*, CNN (Nov. 3, 2018), https://www.cnn.com/2018/11/02/opinions/why-im-voting-for-andrew-gillum-navarro/index.html.

[106] Ana Navarro, Harvard Kennedy School Institute of Politics (2013), https://iop.harvard.edu/fellows/ana-navarro.

Executive Producer, Teta is responsible for and is the final decision maker with respect to all aspects of the production of *The View*, including the format, content, and participants of the program.[107]

Interview subjects are selected and invited though a booking process overseen by the Executive Producer. The Executive Producer holds a twice-weekly meeting with *The View*'s booking staff to discuss and select potential guests. *The View*'s booking staff generally make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely "pitch" potential guests (e.g., book authors) to *The View*'s booking staff. *The View*'s co-hosts also suggest potential guests. Importantly, however, while he receives this input, the Executive Producer is the sole decisionmaker with respect to the selection of interviewees. He selects potential interview subjects based on newsworthiness, anticipated audience interest, and their potential to "make news" on the show.[108]

After potential interview subjects are selected by the Executive Producer, *The View*'s booking staff contacts the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff will describe in general terms the topics they expect will be covered in the interview. Interview guests are not provided with any guarantees as to what content will be covered or included in the broadcast of the program. Interview guests who agree to appear on the program are scheduled based primarily on the guests' availability and the overall balance of each day's program.[109]

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[107] Declaration of Brian Teta ("Teta Declaration") ¶ 8.

[108] *Id.* ¶ 20.

[109] *Id.* ¶ 27.

Once a guest agrees to appear on the program, a segment producer prepares an outline of potential interview questions. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and the "pre-interview" conducted by the segment producer with the guest and/or the guest's representatives. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC personnel. Final review and approval of the interview outline is conducted by the Executive Producer. Interview guests do not review, edit, or approve the interview outline and are not provided with interview questions in advance of the interview.[110]

The View's co-hosts conduct guest interviews based on the interview outline approved by the Executive Producer, although they may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview (and, at all times during the interview, the show's producers can communicate directions to the co-hosts as needed). While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast. Indeed, most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards. Interview subjects are not given any option to edit or otherwise control the broadcast of the interview, and do not see the final interview until it airs.[111]

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[110] *Id.* ¶ 30.

[111] *Id.* ¶ 33.

B. *The View* Was Properly Determined to Be a Bona Fide News Interview Program in 2002.

Following the Commission's long-established three-part test, the Bureau concluded in 2002 that *The View* is exempt from Section 315(a) of the Act as a bona fide news interview program.[112] That determination has remained unchallenged and unchanged since that time and, to this day, *The View* remains fully qualified for the exemption under the applicable legal standards.

On October 20, 2000, ABC filed a petition for declaratory ruling (the "Petition") with the Commission requesting that the Commission's Mass Media Bureau issue a declaratory ruling that *The View* is a bona fide news interview program and thus exempt from the equal opportunities provision of Section 315(a) of the Act.[113] In the Petition, ABC explained that *The View* planned to invite additional political candidates to appear on the program and thus sought the Commission's formal assurance that the equal opportunities requirements did not apply to *The View*.[114]

The Petition explained that *The View* was co-produced by the ABC Television Network (owned and operated by ABC) and BarWall Productions[115] and described the content and format of *The View*. In addition, the Petition detailed how *The View* satisfied each of the Commission's criteria for exemption as a bona fide news interview program. In addressing the established

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[112] Letter from Robert Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC, to ABC, Inc. (Mar. 1, 2002) ("2002 Declaratory Ruling").

[113] Letter from ABC, Inc., to Bobby Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC (Oct. 20, 2000) (the "Petition").

[114] *Id.*

[115] BarWall Productions is a production company co-founded by Barbara Walters and Bill Geddie.

three-part test for the exemption, ABC first showed that *The View* was regularly scheduled. Second, ABC demonstrated that *The View* was exclusively controlled by its producers and that the producers decided the program's format, content and participants for each segment of the program. Finally, ABC stated that programming decisions were based solely on the producers' good faith judgments regarding newsworthiness and viewer preferences and not for the purpose of supporting or opposing a particular candidate or for any other partisan purpose.[116]

By letter ruling dated March 1, 2002, the Mass Media Bureau granted the Petition without qualification, stating "[b]ased on the record before us, we conclude that the program '*The View*' qualifies for the *bona fide* news interview exemption under Section 315(a)(2)."[117] Accordingly, every appearance by every legally qualified candidate on *The View* since March 1, 2002, (including the Talarico appearance) has been in accordance with a valid and effective formal determination that *The View* qualifies for the bona fide news interview exemption under Section 315(a)(2).[118] Such appearances thus are not deemed to be "uses" of KTRK or any other station. Given that KTRK Television and many other licensees acted in good faith reliance on the explicit ruling provided by the Mass Media Bureau in 2002 and the consistent guidance provided by the Commission since 1984, the Commission cannot find that KTRK Television, or

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[116] Petition.

[117] 2002 Declaratory Ruling.

[118] Even if ABC had not sought and received a formal determination, *The View*, since its inception, has fully qualified for exemption under all of the long-standing criteria for bona fide news interview programs and, as previously noted, the Commission has previously stated that no prior formal declaration is required for a bona fide news exemption to apply. *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

any other licensee, violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.[119]

C. *The View* Remains a Bona Fide News Interview Program Today.

In the 24 years since the Commission issued the 2002 Declaratory Ruling, the format and production processes of *The View* that were previously reviewed have remained the same, notwithstanding changes in hosts and staffing. *The View* continues to meet all three of the factors considered by the Commission in determining whether a program qualifies for the bona fide news interview exemption under Section 315(a)(2): (1) it is regularly scheduled, (2) ABC, through the program's Executive Producer, controls the program, and (3) decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm any individual's candidacy.

i. *The View* is regularly scheduled and is in the same timeslot since it first aired in 1997.

The View has been a regularly scheduled part of ABC Network programming for almost 30 years. Since August 1997, *The View* has been broadcast on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). Over its entire history, *The View* has consistently maintained its 11:00 am ET weekday timeslot. The program takes an annual summer production break for the month of August, during which the ABC Network airs "encore" episodes (*i.e.*, previously aired episodes of *The View*). The show generally resumes production at the end of

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[119] *Star Wireless, LLC v. FCC*, 522 F.3d 469, 473 (D.C. Cir. 2008) (cleaned up) (citation omitted) ("In assessing forfeitures against regulated entities, the Commission is required to provide 'adequate notice of the substance of the rule.' The court must consider 'whether by reviewing the regulation and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.'").

August, and a new season begins the Tuesday after Labor Day. ABC Network intends to maintain this schedule.[120]

ii. ABC continues to control the format, content and participants of *The View*.

As was the case in 2002, *The View* continues to be produced by the ABC Television Network. In this capacity, ABC has ultimate control over all aspects of *The View*, including its format, content and participants.[121] Day-to-day control over *The View* is exercised by the program's Executive Producer who reports to the President of ABC News, which is a division of the ABC Television Network. *The View*'s format, first established by Walters and Geddie, has remained fundamentally unchanged throughout its history. The Executive Producer, and the producers, hosts, and production staff under his supervision, decide the program's content, as well as the participants for each program segment.[122]

The show's production processes ensure that ABC (through the show's Executive Producer and production staff) maintains control over all aspects of the program. With respect to interviews included in the program in particular, as described herein, the Executive Producer and the production staff under his direction control all aspects of the selection of potential interview subjects and the questions asked during interviews in accordance with ABC News standards and practices. The Executive Producer has final review and approval authority over this process. The production process is designed to mitigate the possibility that a candidate can usurp the

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[120] Teta Declaration ¶ 12.

[121] BarWall Productions continues to be credited as a co-producer of the show but, subsequent to Ms. Walter's retirement in 2014 and death in 2022, ABC exercises sole and exclusive responsibility and control over the production.

[122] *Id.* ¶¶ 8, 17.

functions of the program for his or her own purposes or use *The View* as a soapbox.[123] Once taped, the Executive Producer oversees the production process, and interviewees are not provided any opportunity to influence or affect the content of their interview prior to airing during the scheduled timeslot.[124]

iii. Newsworthiness is, as it always has been, the lodestar of programming decisions on *The View*.

The Executive Producer of *The View* bases all decisions related to the format, content, and participants, including interviews of political candidates and other newsmakers, on the good faith judgments of newsworthiness and audience interest and not for the purpose of supporting or opposing any particular candidate or for any other partisan purpose.[125]

It is in ABC's interest to book guests on *The View* who are in the news and who will generate interest among its audience members. Over the past ten years alone, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on *The View*, providing the public with a broad variety of views. Of course, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear. Over the past two seasons, for example, producers have extended

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[123] *Id.* ¶ 17. As explained above, the seasoned co-hosts of *The View* follow the interview outlines approved by the Executive Producer. While they may deviate from the outline at times, they rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, co-hosts wear earpieces as they conduct interviews that allow producers to communicate directions to the co-hosts during the interviews as needed.

[124] The results speak for themselves. *See e.g.*, David Rutz, *Kamala Harris' bungled answer on 'The View' about Biden seen as turning point in campaign*, Fox News (Nov. 7, 2024), https://www.foxnews.com/media/kamala-harris-bungled-answer-the-view-about-biden-seen-turning-point-campaign.

[125] Teta Declaration ¶ 20.

invitations to JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio, each of whom declined the invitation to appear on the program.[126] The critical consideration, however, is not whether the program achieves some government-approved roster of participants but the fact that that the producers' decisions are not motivated by partisan purposes and are instead motivated by the desire to interview the most newsworthy and impactful guests.

The February 2, 2026, appearance of Texas primary candidate for Senate James Talarico is a prime example of *The View*'s pursuit of newsworthy material. Following Representative Jasmine Crockett's January 6, 2026, appearance on *The View*, co-hosts Farah Griffin and Goldberg both suggested to Teta that Talarico, Crockett's leading opponent in the Texas Democratic Primary for United States Senate, should be a potential interview guest. Talarico's candidacy at the time was gaining national attention, including on social media, which informed Teta's judgment that Talarico was a newsworthy subject.[127]

A booking staff member on *The View* reached out to Talarico's campaign with an invitation to appear on the program. After Talarico's campaign accepted the invitation, one of *The View*'s veteran producers (who came to *The View* following stints with *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with the program's standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC personnel before being finally reviewed and approved by Teta. Neither the interview outline nor any of the questions were provided to Talarico or his representatives prior to the interview, the

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[126] *Id.* ¶ 26.

[127] *Id.* ¶ 37. As *The View* is an exempt bona fide news interview program, Talarico's appearance was not made in accordance with any request by the Talarico campaign for "equal time" resulting from Crockett's appearance on *The View* or out of any consideration that he might be entitled to such "equal time."

producers provided no assurances to Talarico or his representatives as to the content of the program, and neither Talarico nor his representatives were provided any opportunity to suggest edits or view the final interview before it aired.[128] Thus, as with all candidate appearances on *The View*, Talarico's appearance was under the control of ABC through the program's Executive Producer and his team. The decision to include Talarico was driven by considerations of newsworthiness and audience interest and not an intent to advance his candidacy.

As that demonstrates, *The View*'s ability to rely on the bona fide news exemption to select interview candidates based on newsworthiness, as it has for over two decades, has advanced Congress's goal of facilitating political discourse on the airwaves. Of course, that may not always mean that *The View* may achieve the Commission's preferred complement of guests or particular views (although, as noted above, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear). But the Commission has expressly disavowed efforts to "second guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion"[129]—as it must since any effort to evaluate the qualification of *The View* as a bona fide news interview program that centered on the identity of the guests that appeared on the program or the views they expressed would be at odds with Congress's decision to exempt bona fide news interview programs from any equal opportunities rule (not to mention the First Amendment). After all, if a program had to provide equal opportunities to qualify for the exemption, then the exemption would be left with no work to do. *The View* thus readily qualifies for the bona fide news exemption, as the Commission has recognized for decades.

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[128] *Id.* ¶¶ 40-41.

[129] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358.

IV. SUBJECTING *THE VIEW* TO THE EQUAL OPPORTUNITIES RULE WOULD VIOLATE THE FIRST AMENDMENT.

A. The Equal Opportunities Rule Cannot Be Applied to *The View* Consistent with the First Amendment.

Even if the bona fide news interview exemption were not broad enough to cover *The View*, the Commission could not apply the equal opportunities rule to *The View* consistent with the First Amendment. While *Red Lion* held the "personal attack" and "political editorial" rules constitutional, this petition involves "a different statute" at "a different point in the development" of broadcast regulation, which suffices to merit "plenary consideration" of this "substantial First Amendment challenge."[130] And, as explained, whatever may be said of the rule at its inception, at this point in time it is fundamentally incompatible with bedrock First Amendment principles.[131] If the rule applied here, it would seemingly require every station broadcasting *The View* to provide airtime to every legally qualified candidate running for office in a particular race in their service areas, without regard to the newsworthiness of the candidate. In large races, like this year's California open gubernatorial primary, this could mean the difference between interviewing the leading candidates in a tight race, or interviewing no candidates at all because fulfilling dozens of demands for free time would overburden the local stations airing *The View*. This "chilling" effect is exactly the result Congress sought to avoid when it adopted the bona fide news exemption.[132] But to the extent Congress failed to provide an exemption broad enough to avoid that result, the rule cannot survive.

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[130] *McCutcheon v. FEC*, 572 U.S. 185, 203 (2014).

[131] *See supra* Part II.

[132] *See supra* note 55 and accompanying text.

In fact, interpreting the bona fide news interview program exemption to exclude shows like *The View* would exacerbate the constitutional problems with the statutory scheme. Treating *The View* differently from other types of exempt programming is both a content and speaker-based distinction. If the exemption is understood to cover only a small universe of purportedly "neutral" and "newsworthy" broadcasts, wide swaths of programming—perhaps even all programs whose format diverges from the *Meet the Press* format referenced by the 1959 Congress that enacted the exemptions—will be penalized based on nothing more than the content and viewpoint of their speech.

Given the inherent value-laden judgments that the FCC must make when determining whether a particular program is newsworthy, the risk that the FCC will use its authority to suppress disfavored content and viewpoints is overwhelming. What is newsworthy to today's FCC may not be newsworthy to the FCC in the next Administration. "It is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual."[133] That caution carries special weight here, given that the Administration has been open about its disapproval of the viewpoints expressed on *The View*.[134] But the government has no legitimate interest in declaring some viewpoints more worthy than others. The bona fide news exemptions would fail any form of

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[133] *Cohen v. California*, 403 U.S. 15, 25 (1971); *cf. Minnesota Voters All. v. Mansky*, 585 U.S. 1, 21-22 (2018) (enforcement of ban on "political" attire in polling places "must be guided by objective, workable standards" because, "[w]ithout them, an election judge's own politics may shape his views on what counts as 'political'").

[134] *See, e.g.*, Dominick Mastrangelo, *White House targets 'The View,' Joy Behar over Trump criticism*, The Hill (July 24, 2025), https://thehill.com/homenews/media/5418270-white-house-the-view-joy-behar-trump-criticism; Sean Burch, *FCC Chairman Bashes 'The View,' Suggests Show Could Have 'Issues'*, The Wrap (July 24, 2025), https://www.thewrap.com/fcc-chairman-bashes-the-view-trump-issues; Joey Nolfi, *White House rips The View cohosts as 'Trump-deranged wackos' over reaction to Jeffrey Epstein files*, Entertainment Weekly (Nov. 20, 2025), https://ew.com/white-house-responds-the-view-jeffrey-epstein-files-11853293.

heightened scrutiny if not construed, consistent with decades of Commission practice, to apply to *The View*. That is all the more reason to conclude that *The View* qualifies for the exemption. But ultimately it does not matter, as the Commission could not subject *The View* to the equal opportunities rule consistent with the First Amendment anyway.

B. This Proceeding is Independently Barred by the First Amendment to the Extent it is Based on the Viewpoints Expressed on *The View*.

Even assuming the equal opportunities rule and its exemptions passed First Amendment muster (they do not), any effort to apply it here would violate the First Amendment to the extent adverse action is a response to the viewpoints expressed on *The View*. The Commission may not wield its enforcement authority "in order to punish or suppress [ABC's] protected expression."[135] The Commission's actions must be based on an objective application of the law and cannot be a response to disfavored content.

"If a coercive campaign is carried out with enough sophistication," it can be difficult to establish that a government official has wielded authority to punish or suppress disfavored speech.[136] In this instance, however, it is not so difficult. Although the *Public Notice* and the SLOI ostensibly avoid commenting on specific content, they both heavily emphasize concerns over the potential partisan purposes of programs.[137] At the same time, numerous statements by senior government officials have singled out *The View* for its allegedly partisan perspective.[138]

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[135] *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 196 (2024).

[136] *Murthy v. Missouri*, 603 U.S. 43, 80 (2024) (Alito, J., dissenting).

[137] *Public Notice* at 1, 3-4.

[138] *See, e.g.*, *NEWS OR NOT? 'The View' under SCRUTINY as FCC Chair Says 'Fake News' Won't Qualify for Exemption*, Fox Business, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=nUTgkRmtlpA&t=269s (statement of FCC Chairman Carr at 5:40-5:51); *FCC chief: These days are OVER*, Fox News Channel, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=gAwYshMVEzw (statement of Chairman Carr at 6:05).

Those statements highlight the dangers of viewpoint-based targeting inherent in giving government functionaries the power to decide which "ideas and beliefs [are] deserving of expression [and] consideration,"[139] *i.e.*, what is "newsworthy." Of course, government officials are free to express their own views about *The View*. But they cannot utilize the coercive powers of the state to punish viewpoints with which they disagree.

Meanwhile, even as the Commission opens formal investigations into *The View*, it has declined to scrutinize other programs or formats, like talk radio. The *Public Notice* was addressed exclusively to daytime and late night talk shows on television, ignoring the landscape of avowedly partisan talk radio shows. It is noteworthy that many stations in KTRK's market aired interviews with select candidates prior to the recent primary election without provoking any apparent interest or inquiries from the Commission.

For example, both KTBB 97.5 FM, Troup, Texas, and WBAP 820 AM, Fort Worth, Texas, air *The Mark Levin Show*, which, on February 16, 2026, featured an interview with Dan Patrick, who is running for re-election for Lieutenant Governor, although neither KTBB nor WBAP has uploaded any documents concerning Patrick's appearance into their 2026 online public inspection files.[140] Similarly, KPRC 950 AM, Houston, Texas, broadcast an interview with Texas Attorney General primary candidate Chip Roy as part of *The Glenn Beck Program* on

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[139] *Turner Broad. Sys.*, 512 U.S. at 641.

[140] *Program Schedules*, KTBB, https://ktbb.com/skeds.php (last visited May 7, 2026); *Weekday Schedule*, WBAP, https://www.wbap.com/weekday-schedule (last visited May 7, 2026); *2/16/26 - Criminalizing Criticism: The Implications of Virginia's Islamophobia Legislation*, Mark Levin Podcast (Feb. 17, 2026), https://podcasts.apple.com/nz/podcast/2-16-26-criminalizing-criticism-the-implications/id209377688?i=1000750065366. *See also* Dan Patrick, Facebook (Feb. 17, 2026), https://www.facebook.com/100044482297495/posts/1469394397886623/?mibextid=wwXIfr&rdid=7s8v5qEcoqrHZAiB# (posting link to *The Mark Levin Show* appearance from Feb. 16, 2026) ("I joined Mark Levin, one of my favorite Fox hosts, on his radio show last night. He surprised me with his endorsement live on the air. It's a great honor to have his support.").

February 18, 2026, without including any documentation of the appearance in its public inspection files.[141] Chip Roy also appeared on the *Guy Benson Show* on February 11, 2026, which airs on several Texas radio stations, including KSEV 700 AM, Tomball, Texas.[142] KSEV (which is owned by Texas Lt. Governor Dan Patrick) likewise did not place any information about this appearance in its public inspection files. While *The Mark Levin Show*, *The Glenn Beck Program*, and the *Guy Benson Show* are all popular, long running radio talk shows, there is no indication that any of them has ever received a Declaratory Ruling that it is a bona fide news interview program.

And yet, the Commission has not made any public announcements that it is investigating *The Mark Levin Show*, *The Glenn Beck Program*, the *Guy Benson Show*, or the licensees of KTBB, WBAP, KPRC, or KSEV. Nor should it. But such a clear disparity in the treatment of broadcasters that ought to be subject to the same treatment under law raises serious concerns about viewpoint discrimination and retaliatory targeting.

To be clear, the Bureau's change in policy and apparent focus on the viewpoints presented in a particular program harms not just ABC's First Amendment rights, but the First Amendment rights of all broadcasters, regardless of their perceived viewpoints. Commentators across the political spectrum have warned about the danger of using the power and influence of the federal government to suppress disfavored views. Indeed, a broad range of voices have begun sounding the alarm that any adverse actions by the FCC will be used by future

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[141] *The Glenn Beck Program*, KPRC, https://kprcradio.iheart.com/featured/glenn-beck (last visited May 7, 2026); *The Glenn Beck Program*, Glenn Beck, https://glennbeck.com/-listen/series/the-glenn-beck-program (last visited May 7, 2026) (program webpage).

[142] *Guy Benson Show*, KSEV, https://ksevradio.com/guy-benson-show (last visited May 7, 2026); *'IT'S ABOUT THEIR POWER': Rep. Chip Roy Breaks down the SAVE America Act*, Fox News Radio (Feb. 11, 2026), https://radio.foxnews.com/2026/02/11/rep-chip-roy-save-america-act.

administrations to censor and punish speech they dislike.[143] Simply put (by Senator Ted Cruz), using the threat of FCC action to chill speech is "dangerous as hell."[144] Similarly, commentator Ben Shapiro opined:

> I do not want the FCC in the business of telling local affiliates that their licenses will be removed if they broadcast material that the FCC deems to be false. Why? Because one day the shoe will be on the other foot. … I know that a lot of people on the Right are saying, "The shoe will never be on the other foot, and if it is, the Left will just do it anyway." But preemptively breaking things because you believe that the Left is going to break the things still makes the things broken — and you can't unbreak them.[145]

The equal opportunities rule has always imposed a suspect First Amendment burden on broadcasters. While the Commission put off a reckoning of that burden for decades through judicious application of the bona fide news exemptions, this case illustrates that the fundamental conflicts remain. In short, for several independent reasons, the First Amendment does not permit the Commission's threatened application of Section 315(a) to *The View*.

V. CONCLUSION.

ABC is committed to full compliance with the Communications Act and the Commission's rules. ABC is likewise committed to serving the public interest by bringing impactful and engaging news and entertainment programming to the communities it serves. That is why ABC sought—and received—a formal determination from the Commission that *The View* is a bona fide news interview program nearly 25 years ago. Even if it had not done so, however,

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[143] *See* Stephen Battaglio, *FCC chair's call for 'equal time' could have chilling effect on TV and radio*, L.A. Times (Jan. 23, 2026), https://www.latimes.com/entertainment-arts/business/story/-2026-01-23/fcc-chairs-call-for-equal-time-could-have-chilling-effect-on-tv-radio (quoting Sean Hannity as stating "We need less government regulation and more freedom. Let the American people decide where to get their information from without any government interference.").

[144] Koch, *Cruz Warns Conservatives*, *supra* note 6.

[145] Shapiro, *Glad Kimmel's Gone*, *supra* note 6.

The View currently qualifies as a bona fide news interview program because it manifestly meets every one of the three factors the Commission and Congress established.

The View, and other shows like it, support the public interest, as Congress envisioned when it adopted the bona fide news exemptions. This goal—giving the public the broadest access to news about political races by permitting broadcasters to cover political news without fear of sanction—is especially critical today. As the 2026 election approaches, the American people need more access to political news and more exposure to political candidates, not less. It is therefore imperative that the Commission act quickly to assure broadcasters that it will uphold its long-established standards protecting broadcasters' good faith news judgment in including political candidates in bona fide news programming. To do anything else—on the eve of an election cycle—would compound the uncertainty and resulting First Amendment chill that the Commission's recent actions have engendered. ABC therefore respectfully requests that the Commission expeditiously affirm that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

Respectfully submitted,

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May 7, 2026

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

DECLARATION OF BRIAN TETA

I, Brian Teta, declare as follows:

1. I am the Executive Producer of *The View*.

2. I have worked as a television producer since 1998.

3. I joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017.

4. Prior to working on *The View*, I was a producer for several other shows, including *The Late Show with David Letterman*, where I was responsible for booking guests for interviews.

5. I am an employee of the ABC News division of American Broadcasting Companies, Inc.

6. I report directly to Almin Karamehmedovic, the President of ABC News.

7. As Executive Producer, I oversee all aspects of the production of *The View* and I am the direct or indirect supervisor of all personnel who work on *The View*, including its producers and co-hosts.

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8. With respect to the day-to-day operations of *The View*, I am the final decision maker for all aspects of the production of *The View*, including the format, content, and participants of the program.

9. *The View* is an ABC Television Network program that has regularly aired since August 1997.

10. The general format of *The View* is a live, one-hour talk show with a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers conducted by the co-hosts.

11. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.

12. *The View* is broadcast by the ABC Network on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). It has maintained this scheduling since its premiere. There are no plans to change this scheduling.

13. Most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards.

14. The program takes an annual summer production break for the month of August, during which the ABC Network broadcasts selected previously aired episodes of the program. *The View* generally resumes production at the end of August, and a new season begins the Tuesday after Labor Day.

15. *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences.

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16. In 2024, *The View* received the DuPont-Columbia Award for journalism for its contributions to the ABC News team's report entitled "The Power of Water."

17. The production process by which interviews are conducted on *The View* is designed to help ensure that I, and the producers, production staff, and co-hosts under my supervision, maintain control over the content of the program in accordance with ABC News standards.

18. Interview subjects for *The View* are selected and invited though a booking process, which I oversee. I hold a twice-weekly meeting with the producers that constitute *The View*'s booking staff to discuss and select potential guests.

19. *The View*'s booking staff make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely contact *The View*'s booking staff to advocate for the inclusion of their clients (often, book authors with a new book to promote). *The View*'s co-hosts also may suggest potential guests.

20. Based on information provided to me and my own experience and knowledge of television production, I select potential interview subjects on the basis of newsworthiness, anticipated audience interest, and the potential to generate newsworthy programming content.

21. I am the sole decisionmaker with respect to the selection of interviewees.

22. I do not select potential interview subjects with the intent to advance or harm any individual's candidacy for any office or any other partisan purpose.

23. After I select potential interview subjects, I communicate those selections to *The View's* booking staff.

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24. The booking staff is responsible for contacting the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff are instructed to describe in general terms the topics they expect will be covered in the interview. Booking staff do not provide potential interview guests with any guarantees as to what content will be covered or included in the broadcast of the program.

25. During my time with *The View*, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on the program.

26. Some individuals that are invited to appear on the program decline the invitation. Over the past two years, individuals that have been invited onto the program but declined the invitation included JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio.

27. Booking staff schedule the interview guests who agree to appear on the program based primarily on the guests' availability and the overall balance of each day's program.

28. Once a guest agrees to appear on the program, one of *The View*'s producers prepares an outline of potential interview questions. That segment producer generally conducts a "pre-interview" meeting with the guest or the guest's representatives to discuss the interview, including the general topics that may be covered. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and information obtained through the "pre-interview."

29. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC News personnel.

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30. All interview outlines are finally reviewed and approved by me. Interview guests do not review, edit, or approve the interview outline and are not provided with the interview questions in advance of the interview.

31. *The View*'s co-hosts conduct guest interviews based on the interview outlines that I approve. The interviews may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, the co-hosts wear in-ear monitors that allow me and other producers to communicate directions to the co-hosts during the interviews as needed. In most cases, I am on set to observe and oversee the interviews.

32. While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast.

33. Interview subjects are not given any option to edit or otherwise influence or control the broadcast of the interview, and do not see the final interview until it airs.

34. Texas primary candidate for Senate Jasmine Crockett appeared on *The View* on January 6, 2026.

35. Texas primary candidate for Senate James Talarico appeared on *The View* on February 2, 2026.

36. After Ms. Crockett's appearance on the program, *The View* co-hosts Farah Griffin and Goldberg suggested to me that Mr. Talarico should be a potential interview guest.

37. In deciding whether to invite Mr. Talarico to appear on *The View*, I considered the facts that, at that time, Talarico's campaign had been receiving national attention and that Talarico had gained a significant following on social media. These factors, along with the newsworthiness

Doc ID: c947f0279c4a8eec6f858d7b31b59413d3bd3917

of the Texas senate primary elections and potential audience interest in Mr. Talarico, informed my judgment that Mr. Talarico was a newsworthy subject. My decision to invite Mr. Talarico to appear on the program was not motivated by any intent to advance or harm any individual's candidacy.

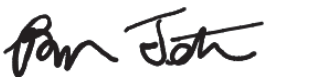
38. A booking staff member on *The View* issued an invitation to the Talarico campaign for Talarico to be interviewed on the program.

39. After the Talarico's campaign accepted the invitation, one of *The View*'s producers (who previously worked for *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with our standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC News personnel before I reviewed it and gave final approval.

40. Neither I, nor any of the producers or staff under my supervision, provided the interview outline or any of the prepared questions to Mr. Talarico or his representatives prior to the interview. Neither I, nor any of the producers or staff under my supervision, provided any assurances to Mr. Talarico or his representatives as to the content of the program.

41. Neither I, nor any of the producers or staff under my supervision, provided Mr. Talarico or his representatives with any opportunity to suggest edits or view the final interview before it aired.

I declare, under penalty of perjury, that, to the best of my information, knowledge, and belief, which includes knowledge based on information provided to me by others, that the foregoing is true and correct.



Brian Teta

Executed on: May 7, 2026

Doc ID: c947f0279c4a8eec6f858d7b31b59413d3bd3917

Kristi Thompson

From: Katie Gorscak
Sent: Thursday, May 7, 2026 1:34 PM
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: FW: [EXTERNAL]: Politico - Request for comment on Senate Democratic letter on Disney licensing

OCH Team:

Flagging the below in case there is anything we'd like to provide, though it sounds like that Chairman may have already provided some comments yesterday.

Katie

From: John Hendel <jhendel@politico.com>
Sent: Thursday, May 7, 2026 1:00 PM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Politico request for comment on Senate Democratic letter on Disney licensing

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Hi all,

A group of Senate Democrats led by Sen. Markey just asked the chairman to immediately rescind last week's Disney licensing order and raised some questions about the motivation.

Any FCC comment we should include?

I'll include some of the chairman's comments from a small scrum about the issue yesterday at the CTIA summit either way, but just holler if any comment specific to the letter and we can update and have in. We'll likely publish shortly but can update as needed.

Thanks for any time!

All the best,

John Hendel
Technology Reporter | POLITICO
Cell/Signal: (b) (6)
Email: jhendel@politico.com
X/Twitter: @JohnHendel

Kristi Thompson

From: Connor Glisson
Sent: Thursday, May 28, 2026 4:59 PM
To: Allison Howell
Subject: Fw: Current Hill Letter response
Attachments: Pallone Letter Response 5.27.26 _ ap_AH .docx

Connor Glisson
Director, Office of Legislative Affairs
Federal Communications Commission
connor.glisson@fcc.gov | 202-418-2064

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Wednesday, May 27, 2026 11:10 AM
To: Anthony Patrone <Anthony.Patrone@fcc.gov>; Connor Glisson <Connor.Glisson@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: Current Hill Letter response

Looks good. I made a few suggestions in the attached.

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Anthony Patrone <Anthony.Patrone@fcc.gov>
Sent: Wednesday, May 27, 2026 9:25 AM
To: Connor Glisson <Connor.Glisson@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Current Hill Letter response

(b) (5) [redacted]

From: Connor Glisson <Connor.Glisson@fcc.gov>
Sent: Tuesday, May 26, 2026 10:22 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Anthony Patrone <Anthony.Patrone@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Current Hill Letter response

(b) (5) [redacted]

(b) (5) [redacted]

Best,

Connor Glisson
Director, Office of Legislative Affairs
Federal Communications Commission
connor.glisson@fcc.gov | 202-418-2064

From: Greg Watson <Gregory.Watson@fcc.gov>
Sent: Tuesday, May 26, 2026 8:06 PM
To: Anthony Patrone <Anthony.Patrone@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Cc: Connor Glisson <Connor.Glisson@fcc.gov>
Subject: RE: Current Hill Letter response

Meant to include Connor

From: Greg Watson
Sent: Tuesday, May 26, 2026 8:02 PM
To: Anthony Patrone <Anthony.Patrone@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: FW: Current Hill Letter response

Dropping BC and + AP

From: Connor Glisson <Connor.Glisson@fcc.gov>
Sent: Tuesday, May 26, 2026 5:43 PM
To: Brendan Carr (Internal) <(b) (6) fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Courtney Cowper <Courtney.Cowper@fcc.gov>
Subject: Re: Current Hill Letter response

+@Allison Howell

Get Outlook for iOS

From: Brendan Carr (Internal) <(b) (6) fcc.gov>
Sent: Tuesday, May 26, 2026 1:59 PM
To: Connor Glisson <Connor.Glisson@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Courtney Cowper <Courtney.Cowper@fcc.gov>
Subject: Current Hill Letter response

(b) (5) [redacted]

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Kristi Thompson

From: Sima Nilsson
Sent: Friday, May 22, 2026 10:48 AM
To: Allison Howell
Cc: William Durdach
Subject: FW: FCC ECFS Filing Confirmation

FYI. The Petition for Declaratory ruling will be available in ECFS at 11. Then we will have a link to plug into the PN. Release time for the PN after that should be 15-20 minutes.

From: Rachel Seissler <Rachel.Seissler@fcc.gov>
Sent: Friday, May 22, 2026 10:45 AM
To: Sima Nilsson <Sima.Nilsson@fcc.gov>
Cc: William Durdach <William.Durdach@fcc.gov>
Subject: RE: FCC ECFS Filing Confirmation

The 30 minutes is the approx time for the docket to move from EDOCS to ECFS - we got lucky and the automated job that pulls items from EDOCS to ECFS ran immediately after we pushed it over.

ECFS filings are disseminated at 11, 1, 3, and 5 so this one should be disseminated at 11 and show shortly thereafter.

From: Sima Nilsson <Sima.Nilsson@fcc.gov>
Sent: Friday, May 22, 2026 10:39 AM
To: Rachel Seissler <Rachel.Seissler@fcc.gov>
Cc: William Durdach <William.Durdach@fcc.gov>
Subject: FW: FCC ECFS Filing Confirmation

I uploaded the document. It'll take about 30 minutes for it to be available for searching?

From: noreply@fcc.gov <noreply@fcc.gov>
Sent: Friday, May 22, 2026 10:34 AM
To: Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: FCC ECFS Filing Confirmation

Your filing will not be available for searching and retrieval immediately. To check its status click the link below, or click "check filing status" in ECFS and enter your confirmation number. A filing status of "RECEIVED" means that it has not yet been made publicly available. A filing status of "DISSEMINATED" means that it is available for searching and retrieval by the public.
Confirmation Number: 20260522056875758
Click to review: https://www.fcc.gov/ecfs/filing/status/detail/confirmation/20260522056875758
Proceeding(s): 26-124
Filer(s): KTRK, American Broadcasting Companies, Inc.
Attorney/Author(s): Paul D. Clement, Jennifer Tatel
Law firm(s): Clement & Murphy PLLC, Wilkinson Barker Knauer LLP
Date Submitted: 05/22/2026
Primary Contact Email: sima.nilsson@fcc.gov

Documents(s) Attached: ABC Petition for Declaratory Ruling.pdf
Address: 706 Duke Street , Alexandria, VA 22314

Kristi Thompson

From: Katie McAuliffe
Sent: Thursday, May 28, 2026 4:45 PM
To: Allison Howell
Subject: Fw: Filing

In case you haven't seen the Disney filing yet. We've had inquiries

~ Katie McAuliffe
Policy Advisor
Chairman Carr
Federal Communications Commission

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Thursday, May 28, 2026 4:36 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Subject: Filing

Direct link:
https://enterpriseefiling.fcc.gov/dataentry/public/tv/draftCopy.html?displayType=html&appKey=25076f919df5a492019df87d8b5c00ce&id=25076f919df5a492019df87d8b5c00ce&goBack=N

Press inquiries to come in separate email.

Kristi Thompson

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 2:18 PM
To: Greg Watson; Allison Howell
Cc: Adam Jackman; Katie McAuliffe; Will Wiquist
Subject: FW: Record 421081 Released

FYI.

From: Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Sent: Tuesday, April 28, 2026 2:17 PM
To: Ismari Cueto <Ismari.Cueto@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Rebecca Lockhart <Rebecca.Lockhart@fcc.gov>
Subject: RE: Record 421081 Released

Cache cleared, item is showing: https://www.fcc.gov/document/walt-disney-company-abc-and-tv-subsidiaries

---

From: Ismari Cueto <Ismari.Cueto@fcc.gov>
Sent: Tuesday, April 28, 2026 2:16 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Rebecca Lockhart <Rebecca.Lockhart@fcc.gov>
Subject: FW: Record 421081 Released

This item has been released in EDOCS

From: IT Service Desk <EDOCSHelp@fcc.gov>
Sent: Tuesday, April 28, 2026 2:15 PM
To: OMR EDOCS Team <OMREDOCSTeam@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: OMR EDOCS Team <OMREDOCSTeam@fcc.gov>; EDOCSHELP <EDOCSHELP@fcc.gov>; Christina Gavin <Christina.Gavin@fcc.gov>; Thomas Horan <Thomas.Horan@fcc.gov>; India Malcolm <India.Malcolm@fcc.gov>; Nancy Murphy <Nancy.Murphy@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Deanne Erwin <Deanne.Erwin@fcc.gov>
Subject: Record 421081 Released

The link(s) for the document are as follows: DA-26-416A1.docx , DA-26-416A1.pdf , DA-26-416A1.txt
Link(s) are now publicly available.

IMMEDIATE RELEASE

Rec ID: 421081
Document Type: ORDER (Text)
Formal Title: The Walt Disney Company, American Broadcasting Company, and Television Subsidiaries
Short Web Title: The Walt Disney Company, ABC, and TV Subsidiaries
FCC Record Case Name: The Walt Disney Company, ABC, and TV Subsidiaries
Description: The Media Bureau orders The Walt Disney Company, American Broadcasting Company, and

television subsidiaries to file early license renewal applications for their television stations
Request DA: false
DA Number: 26-416
Authority: Video Division
Not for Digest: false
Regulatory Flexibility Analysis Done?: false
Document Status: Included in Daily Digest
Release date: 2026-04-28
Digest date: 2026-04-29
Adopted date: 2026-04-28
Entered By: Alexander.Sanjenis
Updated: 2026-04-28 14:14:37
Updated By: Ismari.Cueto

HEADLINE
Headline on FCC Home Page: false
Headline on Bureau Home Page(s): Media Bureau

DOCKET/RM NUMBER
Docket/RM Numbers:

This message is automatically generated by the EDOCS application.

Kristi Thompson

From: Alexander Sanjenis
Sent: Tuesday, April 28, 2026 2:17 PM
To: Greg Watson; Allison Howell
Subject: FW: Record 421081 Released

FYI

From: IT Service Desk <EDOCSHelp@fcc.gov>
Sent: Tuesday, April 28, 2026 2:15 PM
To: OMR EDOCS Team <OMREDOCSTeam@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: OMR EDOCS Team <OMREDOCSTeam@fcc.gov>; EDOCSHELP <EDOCSHELP@fcc.gov>; Christina Gavin <Christina.Gavin@fcc.gov>; Thomas Horan <Thomas.Horan@fcc.gov>; India Malcolm <India.Malcolm@fcc.gov>; Nancy Murphy <Nancy.Murphy@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Deanne Erwin <Deanne.Erwin@fcc.gov>
Subject: Record 421081 Released

The link(s) for the document are as follows: DA-26-416A1.docx , DA-26-416A1.pdf , DA-26-416A1.txt
Link(s) are now publicly available.

IMMEDIATE RELEASE

Rec ID: 421081
Document Type: ORDER (Text)
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DA Number: 26-416
Authority: Video Division
Not for Digest: false
Regulatory Flexibility Analysis Done?: false
Document Status: Included in Daily Digest
Release date: 2026-04-28
Digest date: 2026-04-29
Adopted date: 2026-04-28
Entered By: Alexander.Sanjenis
Updated: 2026-04-28 14:14:37
Updated By: Ismari.Cueto

HEADLINE
Headline on FCC Home Page: false

Headline on Bureau Home Page(s): Media Bureau

DOCKET/RM NUMBER
Docket/RM Numbers:

This message is automatically generated by the EDOCS application.

Kristi Thompson

From: Allison Howell
Sent: Thursday, June 11, 2026 5:02 PM
To: Dana Howell
Subject: FW: Response Requested: FCC FOIA No. 2026-624
Attachments: FCC FOIA May 2026 [Kimmel] (2026-624).pdf; Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Hi Dana,

(b) (5) [redacted]

Thanks!

Allison Howell
Legal Advisor
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Kristi Thompson <Kristi.Thompson@fcc.gov>
Sent: Thursday, June 11, 2026 4:20 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Candeub <Adam.Candeub@fcc.gov>; Christopher Santini <Christopher.Santini@fcc.gov>
Cc: Michael Janson <Michael.Janson@fcc.gov>
Subject: Response Requested: FCC FOIA No. 2026-624

Adam, Alex, Allison, and Chris,

I am writing to advise you about a FOIA request (attached) seeking agency records that you may possess, and to provide search instructions. Specifically, this FOIA request seeks three tranches of records:

1) From April 20, 2026, until the date of search, all records that contain one or more of the following words or phrases (case insensitive):

- Disney
- Kimmel
- “Expectant widow”
- “First lady”
- “ABC network”
- "ABC programming”
- “ABC news"
- “ABC license”
- “KFSN”
- “KABC”
- “KGO”
- “WLS”
- “WABC”

- “WTVD”
- “WPVI”
- “KTRK"

2) From April 20, 2026, until the date of search, all records that reference or pertain to the April 23, 2026, monologue delivered by Jimmy Kimmel on *Jimmy Kimmel Live!*

3) From April 27, 2026, until the date of search, all records referring to an April 27, 2026, social media post by First Lady Melania Trump concerning Jimmy Kimmel, or an April 27, 2026, social media post by President Donald Trump concerning Jimmy Kimmel.

Please note that this request does not seek the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request.

If you DO NOT have responsive documents, please reply stating that you have no documents.

If you DO have responsive documents, please place them in the folder for your name: K:\Co-Share\FOIA 2026\2026-000624 (Prot Demo Proj)

We would greatly appreciate it if you could complete your search by **June 19, 2026**.

Best,

Kristi Thompson
Attorney Advisor
Office of the General Counsel
Federal Communications Commission

Direct: (+1) 202-418-1318

Kristi Thompson

From: Conor Gaffney <conor.gaffney@protectdemocracy.org>
Sent: Friday, June 5, 2026 12:25 PM
To: Kristi Thompson
Cc: Janine Lopez; Caitlin Childs; Aidan Scible
Subject: Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Dear Kristi,

Thank you for meeting with us yesterday about our three FOIA requests (numbers 2026-000623, 000624, 000625). I've discussed with our team, and we can agree to two of your three requests to narrow our FOIA requests:

1. We **agree** to substitute the following search terms for the original search term "ABC" in FOIA request 2026-000624:
    - "ABC network"
    - "ABC programming"
    - "ABC news"
    - "ABC license"
    - "KFSN"
    - "KABC"
    - "KGO"
    - "WLS"
    - "WABC"
    - "WTVD"
    - "WPVI"
    - "KTRK"
2. We **agree** to exclude records of daily media digests unless those records have been forwarded, replied to, or otherwise are the basis or part of an additional communication. This applies to all three pending requests.
3. We **do not agree** to allow the FCC to determine which responsive records to produce. We are of course happy to discuss ways to prioritize productions or manage volume, should our requests return large numbers of responsive records. We understand the FCC is currently fielding a large number of FOIA requests, and are happy to consider ways to minimize the impact of our requests.

Thank you for your assistance. Please feel free to contact me if you have any questions. We look forward to hearing the FCC's determination on these requests.

Best,

Conor

On Jun 4, 2026 at 9:48:07 AM, Kristi Thompson <Kristi.Thompson@fcc.gov> wrote:

Done—no problem!

From: Aidan Scible <aidan.scible@protectdemocracy.org>
Sent: Thursday, June 4, 2026 10:45 AM
To: Kristi Thompson <Kristi.Thompson@fcc.gov>
Cc: Janine Lopez <janine.lopez@protectdemocracy.org>; Conor Gaffney <conor.gaffney@protectdemocracy.org>; Caitlin Childs <caitlin.childs@protectdemocracy.org>
Subject: Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Hi Kristi,

I apologize, but due to an unexpected shift in my schedule, I won't be able to attend this call today. My colleague Caitlin has offered to attend in my place: Would it be possible to add her to the Teams invite? She's cc'ed on this email.

Thank you,

Aidan

On Fri, May 29, 2026 at 6:19 PM Conor Gaffney <conor.gaffney@protectdemocracy.org> wrote:

> Hi Kristi,
>
> That works great. I'll be on the lookout for an email with a scheduler.
>
> Have a great weekend,
>
> Conor
>
> On May 29, 2026 at 5:07:21 PM, Kristi Thompson <Kristi.Thompson@fcc.gov> wrote:

Conor,

Thanks very much for your message. How about Thursday June 4th at 12:30? If that works for you, I can send a scheduler with a Teams link.

Many thanks,

Kristi Thompson

Attorney Advisor

Office of the General Counsel

Federal Communications Commission

Direct: (+1) 202-418-1318

From: Conor Gaffney <conor.gaffney@protectdemocracy.org>
Sent: Thursday, May 28, 2026 11:05 AM
To: Kristi Thompson <Kristi.Thompson@fcc.gov>; Aidan Scible <aidan.scible@protectdemocracy.org>; Janine Lopez <janine.lopez@protectdemocracy.org>
Subject: Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

You don't often get email from conor.gaffney@protectdemocracy.org. Learn why this is important

Hi Kristi,

Thanks for your patience. Unless you object, my colleagues Aidan Scible and Janine Lopez would like to join our call. We're available at the following times, Eastern:

1. Thursday June 4: 9-2.

2. Monday June 8: 9-10, 12-1:30, 2-3, 3:30-5.
3. Tuesday June 9: 9-10, 12:30-2, 3-5.
4. Wednesday June 10: 9-12, 3-4.
5. Thursday June 11: 9-2.

Please let me know if any of those times work for you.

Thank you,

Conor

On May 28, 2026 at 8:29:29 AM, Kristi Thompson <Kristi.Thompson@fcc.gov> wrote:

> Mr. Gaffney,
>
> No problem! I look forward to hearing from you.
>
> Best,
>
> Kristi
>
> ---
>
> **From:** Conor Gaffney <conor.gaffney@protectdemocracy.org>
> **Sent:** Thursday, May 28, 2026 9:28:05 AM
> **To:** Kristi Thompson <Kristi.Thompson@fcc.gov>
> **Subject:** [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625
>
> You don't often get email from conor.gaffney@protectdemocracy.org. Learn why this is important

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Dear Ms. Thompson,

Apologies for my delay in responding, and thank you for reaching out. I'll get back to you shortly with some availability next week and the following. I just need to confirm a few things in my schedule.

Thanks for your patience. Please let me know if you have any questions or concerns,

Conor

---------- Forwarded message ---------
From: Kristi Thompson <Kristi.Thompson@fcc.gov>
Date: Wednesday, May 27, 2026 at 3:47:11 PM UTC-4
Subject: RE: FCC FOIA Request Nos. 2026-000623, 000624, 000625
To: FOIA@protectdemocracy.org <FOIA@protectdemocracy.org>

Dear Mr. Gaffney,

I am following up on my message below. Are you still interested in these requests? Please let me know by June 23, 2026. If we do not hear from you by that date, we will administratively close out these requests.

Sincerely,

Kristi Thompson

Attorney Advisor

Office of the General Counsel

Federal Communications Commission

Direct: (+1) 202-418-1318

From: Kristi Thompson
Sent: Wednesday, May 20, 2026 6:14 PM
To: FOIA@protectdemocracy.org
Subject: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Dear Mr. Gaffney,

The Federal Communications Commission is in receipt of your Freedom of Information Act requests referenced above. We would like to speak with you about your requests. Are you available for a teleconference call this week or next week? Please let me know what day(s) and time(s) would work best for you.

Sincerely,

Kristi Thompson

Attorney Advisor

Office of the General Counsel

Federal Communications Commission

Direct: (+1) 202-418-1318

Via ArkCase FOIA and Email

Daniel Daly
Attn: FOIA Request
Federal Communications Commission
Washington, D.C. 20554
daniel.daly@fcc.gov

Re: Freedom of Information Act Request

May 20, 2026

Dear FOIA Officer,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Protect Democracy Project requests that you produce the following records within twenty (20) business days:

1) From April 20, 2026 until the date of search, all records that contain one or more of the following words or phrases (case insensitive):
    a) Disney
    b) ABC
    c) Kimmel
    d) "Expectant widow"
    e) "First lady"

2) From April 20, 2026 until the date of search, all records that reference or pertain to the April 23, 2026 monologue delivered by Jimmy Kimmel on *Jimmy Kimmel Live!*[1]

3) From April 27, 2026 until the date of search, all records referring to an April 27, 2026 social media post[2] by First Lady Melania Trump concerning Jimmy Kimmel, or

[1] Jimmy Kimmel Live, *Jimmy Kimmell Roasts Trump & His MAGA Minions at Our Alternative White House Correspondents' Dinner*, YouTube (Apr. 23, 2026), https://www.youtube.com/watch?v=GRjKhsJc95o.
[2] Melania Trump (@FLOTUS), X (Apr. 27, 2026, 10:19 AM), https://x.com/FLOTUS/status/2048769128513585618.

an April 27, 2026 social media post[3] by President Donald Trump concerning Jimmy Kimmel.

In compliance with 47 C.F.R. § 0.461(b)(1), all records are likely located in the Office of the Secretary, Office of the Managing Director, Office of the Chairman, Office of the General Counsel, and the Media Bureau.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. See 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

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[3] Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 27, 2026, 1:26 PM), https://truthsocial.com/@realDonaldTrump/posts/116477838570626860.

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and 47 C.F.R. § 0.461(h). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id*. § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity"—namely the apparent suppression of speech by the Commission — and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). On April 27, 2026, following the arrest of a gunman at the April 25 White House Correspondents' Dinner, First Lady Melania Trump and then President Donald Trump each posted that ABC and Disney should punish late-night host Jimmy Kimmel for a joke he had told about the First Lady previous to the dinner that they suggested had called for violence against them.[4] Just two days later, the Commission's Media Bureau took the extremely rare action of calling in the broadcast

[4] Daniel Arkin & Monica Alba, *Trump and First Lady Rip Jimmy Kimmel, Call on ABC to 'Take a Stand'*, NBC News (Apr. 27, 2026), https://www.nbcnews.com/politics/white-house/melania-trump-rips-jimmy-kimmel-urges-abc-take-stand-rcna342319 (Referring to the First Lady, who is more than twenty-three years younger than the nearly eighty-year-old President, Kimmel had said "You have a glow like an expectant widow.")

licenses of Disney-owned ABC stations for early renewal.[5] The move was widely interpreted as an attempt to further pressure Disney and ABC to take action against Kimmel.[6] The public urgently seeks information about this seemingly speech suppressive action.

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government activity at issue. Media coverage on the topic has been extensive.[7] "[S]uch media coverage is strong evidence of an 'urgency to inform' the public." *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep't of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) ("Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff's FOIA request does not receive expedited treatment."); *Protect Democracy Project, Inc. v. United States Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

Additionally, the records requested relate to a matter that is entirely within the purview of the Chairman. It is likely that the universe of personnel involved is small, and therefore the search should be neither time consuming nor labor intensive.

Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii)

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[5] In re *Walt Disney Co.*, FCC DA 26-416 (Apr. 28, 2026), https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf; A Martinez & Eric Deggans, *FCC Orders Early License Renewals for ABC Stations After Criticism from Trump*, NPR, (Apr. 29, 2026), https://www.npr.org/2026/04/29/nx-s1-5803567/fcc-orders-early-license-renewals-for-abc-stations-after-criticism-from-trump.

[6] *See, e.g.,* Jim Rutenberg & John Koblin, *F.C.C. Orders a Review of ABC's Broadcast Licenses*, The New York Times (Apr. 30, 2026), https://www.nytimes.com/2026/04/28/business/media/fcc-abc-television-kimmel.html; Emma Roth, *The FCC is Going After the Broadcast Licenses of Disney-Owned ABC Stations*, The Verge (Apr. 28, 2026), https://www.theverge.com/policy/919739/fcc-disney-abc-broadcast-licenses-threat

[7] *See id.; see also* Chloe Melas & Daniel Arkin, *FCC Directs Disney-Owned TV Stations to File Early License Renewals*, NBC News (Apr. 28, 2026), https://www.nbcnews.com/news/us-news/fcc-direct-disney-owned-tv-stations-file-early-license-renewals-source-rcna342507; Brian Stelter, *Trump Administration Challenges ABC Station Licenses Amind Kimmel Controversy*, CNN, (Apr. 28, 2026), https://www.cnn.com/2026/04/28/media/fcc-kimmel-disney-abc-trump-licenses; CBS News (May 1, 2026), https://www.cbsnews.com/news/fcc-disney-abc-broadcast-licenses-kimmel-trump/; Nikki McCann Ramirez, *Ted Cruz Bashes Trump Administration for Going After Jimmy Kimmel*, Rolling Stone (Apr. 29, 2026), https://www.rollingstone.com/politics/politics-news/ted-cruz-bashes-trump-administration-fcc-jimmy-kimmel-1235555533/.

and 47 C.F.R. § 0.461(h)(4)(i), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

FEE WAIVER

Protect Democracy agrees to pay up to $1,000 in fees associated with this request in the event a fee waiver is denied. Thus, the Commission should not delay this FOIA request while fee waiver is under consideration. *See* 47 C.F.R. § 0.461(b)(2).

FOIA provides that any fees associated with a request are waived if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020).] Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision.[8] The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to

[8] *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).

an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g.*, *Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminate[d] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website protectdemocracy.org; the Bluesky feed https://bsky.app/profile/protect democracy.org, which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a "representative of the news media" for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to $100.00. If fees will exceed $100.00, please contact me before processing the request.

RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at FOIA@protectdemocracy.org or (202) 579-4582 if you require any additional

information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Conor S. Gaffney
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Protect Democracy Project
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Kristi Thompson

From: Adam Candeub
Sent: Thursday, May 21, 2026 11:47 AM
To: Allison Howell
Subject: Fw: RTDNA case: D.C. Circuit orders response to petition for mandamus
Attachments: Petition for Mandamus.pdf; Order.pdf

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From: Adam Candeub <Adam.Candeub@fcc.gov>
Sent: Wednesday, May 20, 2026 4:11 PM
To: Brendan Carr (Internal) <(b) (6)fcc.gov>
Cc: Jacob Lewis <Jacob.Lewis@fcc.gov>
Subject: RTDNA case: D.C. Circuit orders response to petition for mandamus

Dear Brendan, (b) (5)

[redacted]

Best, Adam

No. 26-1099

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

In re Radio Television Digital News Association, Rachelle B. Chong, Ervin S. Duggan, Mark S. Fowler, Alfred C. Sikes, Thomas E. Wheeler, Christopher J. Wright, Kathryn C. Brown, Jerald N. Fritz, *Petitioners*.

PETITION FOR WRIT OF MANDAMUS TO THE FEDERAL COMMUNICATIONS COMMISSION

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

A. Parties

Petitioners are Radio Television Digital News Association, Rachelle B. Chong, Ervin S. Duggan, Mark S. Fowler, Alfred C. Sikes, Thomas E. Wheeler, Christopher J. Wright, Kathryn C. Brown, and Jerald N. Fritz.

Respondent is the Federal Communications Commission.

Other parties before the agency in the proceeding below are: Dennis R. Patrick and Peter Pitsch.[1]

B. Ruling Under Review

This is an original action challenging the Commission's unreasonable delay in taking action on the Petitioners' November 13, 2025 Petition for Special Relief seeking repeal of the news distortion policy. Petitioners seek a writ of mandamus compelling the Commission to take action on the Petition for Special Relief within 90 days of this Court's decision. Because the Commission has not taken any action on the Petition for Special Relief, no citation to the Federal Register or other record exists.

[1] Andrew C. Barrett, who was a party to the proceeding below, passed away before the filing of this petition.

C. Related Cases

This case has not previously come before this Court or any other, and counsel for Petitioners is not aware of any other related cases within the meaning of D.C. Circuit Rule 28(a)(1)(C).

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioner Radio Television Digital News Association, a professional association dedicated exclusively to broadcast and digital journalism, certifies that it has no parent companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest.

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GLOSSARY OF ABBREVIATIONS

Abbreviation	Definition
Add.	Addendum
FCC	Federal Communications Commission
RTDNA	Radio Television Digital News Association

INTRODUCTION

The First Amendment generally prohibits the government from imposing content-based restrictions on speech. Despite this general prohibition, the Federal Communications Commission (the "Commission") has long sought to regulate the content of broadcasts in limited ways to further various Congressional mandates, including that the Commission manage the nation's airwaves in the "public interest." 47 U.S.C § 303(r). One of the content-regulation tools the Commission has developed is the "news distortion policy," which authorizes the Commission to sanction broadcasters who deliberately "distort" or "slant" the news. *See Serafyn v. FCC*, 149 F.3d 1213, 1216–17 (D.C. Cir. 1998).

For most of its life, the news distortion policy lay dormant. Cognizant of constitutional dangers of judging the accuracy of the news, the Commission applied the policy sparingly, rarely invoking the policy and even more rarely finding that a broadcaster had violated it.[2]

But in January 2025, the Chairman and the Commission he effectively controls, *see infra* at 18–20, adopted a more aggressive, and seemingly selective,

[2] *See* Chad Raphael, *The FCC's Broadcast News Distortion Rules: Regulation by Drooping Eyelid*, 6 Commc'n L. & Pol'y 485, 501 (2001) (only eight cases finding news distortion between 1969 and 1999, or 10% of complaints); Joel Timmer, *Potential FCC Actions Against "Fake News": The News Distortion Policy and the Broadcast Hoax Rule*, 24 Commc'n L. & Pol'y 1, 20 (2019) (no findings of news distortion since 1999).

approach to enforcing the news distortion policy. At the direction of Chairman Brendan Carr, the Commission reopened news distortion complaints that it had previously found lacked merit, but only against certain broadcasters. The Chairman used pending news distortion investigations to extract editorial concessions from broadcasters who needed Commission approval to merge. The Chairman repeatedly issued forceful public threats that certain editorial choices, and even covering certain topics, constituted news distortion. Referring to Kilmar Ábrego Garcia—the person at the center of a controversial immigration enforcement action—as a "Maryland man," for instance, was, the Chairman claimed, news distortion and could cost a station its license. Add. 36.

It became clear that this policy was now being applied in violation of the First Amendment. Moreover, this pattern of abuse, and the Chairman's newly expansive view of the Commission's powers, was broadly chilling the speech of broadcasters, even those who have not yet been targeted by the Commission.

On November 13, 2025, a bipartisan group of former Commission chairs, commissioners, and senior-level staff filed a Petition for Special Relief with the Commission seeking the repeal of the news distortion policy (hereinafter the "News Distortion Petition" or "Petition"). Because agency staff lack authority to change agency precedent, *see* 47 C.F.R. § 0.283, the petitioners filed the News Distortion Petition with the full Commission for disposition. That same day, the

Chairman posted to X in response to the Petition: "How about no[.] On my watch, the FCC will continue to hold broadcasters accountable to their public interest obligations." Add. 60. This comment from the Chairman—who has the exclusive power to present any matter, including the News Distortion Petition, to the full Commission—made clear that there would be no review whatsoever of the Petition.

Sure enough, the Commission has taken no action on the News Distortion Petition since it was filed last year. But through repeated public statements by the Chairman and threats of adverse regulatory action, the news distortion policy has only grown into more of a cudgel to suppress the First Amendment rights of broadcasters, journalists, and the public who depend on an information environment free of government interference. Without ever presenting the Petition to the full Commission, the Chairman continues to wield the news distortion policy as a weapon to control news content and suppress viewpoints the government disfavors. As the midterm elections approach, this abuse of regulatory power to shape voter perception and control information the electorate has access to is a particularly urgent matter.

This Court has exercised its power to compel the Commission to consider constitutional challenges to its content-regulation doctrines before. As the Chairman's threats escalate in the run-up to the midterm elections, this Court

should issue a writ of mandamus to compel the Commission to take prompt and final action on the News Distortion Petition.

The Petitioners meet the standard for this extraordinary remedy. Commission regulations and the Communications Act impose a clear duty on the Chairman and the Commission to take prompt action on matters like the News Distortion Petition. The ongoing and irreparable constitutional harms caused by the Chairman's abuse of the news distortion policy underscore the egregiousness of the agency's delay, warranting mandamus. And because only the full Commission can act on the Petition, and the Chairman has adamantly refused to present it to the Commission for a vote, the Petitioners have no remedy other than an order from this Court compelling the Commission to act.

STATEMENT OF JURISDICTION

This Court has jurisdiction under 47 U.S.C. § 402(a) and 28 U.S.C. § 1651(a). *Telecomms. Rsch. & Action Ctr. v. FCC*, 750 F.2d 70, 75–76 (D.C. Cir. 1984) ("*TRAC*"). Venue is proper under 28 U.S.C. § 2343.

RELIEF SOUGHT

Petitioners seek an order from this Court granting this Petition and instructing the Commission to take final action on the News Distortion Petition within 90 days of this Court's decision. Petitioners also ask this Court to retain

jurisdiction over the matter to ensure the Commission's compliance. *TRAC*, 750 F.2d at 80–81.

ISSUE PRESENTED

Whether this Court should issue a writ of mandamus compelling the Commission to take action on the News Distortion Petition by a date certain.

STATEMENT OF THE CASE

I. The news distortion policy.

The news distortion policy bars certain deliberate misrepresentations by broadcasters. Never formally promulgated as a rule, it developed through decades of Commission adjudications. Broadcasters who are found to violate the policy can face a number of sanctions from the Commission. See *Broad. News Distortion*, FCC (July 18, 2024), https://perma.cc/RYJ7-UTSZ.

The roots of the news distortion policy lie in a 1949 Commission statement that the Communications Act's public interest mandate forbids a broadcaster from selecting "program material to distort or suppress the basic factual information upon which any truly fair and free discussion of public issues must necessarily depend." *Rep. on Editorializing by Broad. Licensees*, 13 F.C.C. 1246, 1254 (1949). Over the next half century, and especially in the 1960s and 1970s, the Commission refined this principle into the contemporary standard which has four elements, each delicately designed to protect the First Amendment interests clearly implicated by

the policy. It is the pervasive disregard of those guardrails that impelled Petitioners to seek repeal of the news distortion policy.

First, there must be "deliberate distortion," as distinct from "mere inaccuracy or difference of opinion." *Galloway v. FCC*, 778 F.2d 16, 20 (D.C. Cir. 1985). Second, there must be extrinsic evidence (*i.e.*, beyond the broadcast itself) that the broadcaster *deliberately* distorted or staged the news. *In re Complaints Covering CBS Program "Hunger in Am.,"* 20 F.C.C.2d 143, 150 (1969). Third, the distortion must apply to a "significant event," rather than minor inaccuracies or incidental aspects of the report. *Galloway*, 778 F.2d at 20. And finally, extrinsic evidence must show that the distortion involved the "principals, top management, or news management" of the licensee, as opposed to other employees. *Hunger in Am.*, 20 F.C.C.2d at 150. The policy bars the Commission from investigating complaints of news distortion unless each of the four elements are credibly alleged.

Despite this high standard, the basic purpose of the news distortion policy remains to review the accuracy of the news. The Commission has long recognized the risks to a free press and free expression that such an undertaking represents, observing that "in a democracy, dependent upon the fundamental rights of free speech and press, no Government agency can authenticate the news, or should try to do so." *In re Complaint by Mrs. J. R. Paul*, 26 F.C.C.2d 591, 592 (1969). Reviewing the news for accuracy would require the Commission to "sit as a review

body of the 'truth' concerning news events," a subjective role that is plainly "not appropriate" for a government licensing agency. *In re Complaint Concerning Network Coverage of the Democratic Nat'l Convention*, 16 F.C.C.2d 650, 655 (1969). Accordingly, "the Commission does not—and cannot and will not—act as a self-appointed, free-roving arbiter of truth in journalism." *Free Press Emergency Petition for Inquiry Into Broad. of False Info. on COVID-19, Letter*, 35 FCC Rcd. 3032, 3033 (MB & OGC 2020). Invitations to misuse the news distortion policy to such ends have historically been forcefully rejected by the Commission. *See id.* at 3033 n.5 (collecting decisions).

Given these concerns, the Commission has, until recently, applied the news distortion policy sparingly and with decreasing frequency. Between 1969 and 2019, the Commission found only eight violations of the news distortion policy out of 120 complaints filed. Raphael, *supra* at 501; Timmer, *supra* at 20. Seven of those were between 1969 and 1985. Raphael, *supra* at 501. In the last forty years the Commission has only found one instance of actionable news distortion. Timmer, *supra* at 20.

While the policy has lain idle, developments in First Amendment doctrine have called into question whether the Commission's application of the policy is even constitutional. The Supreme Court "has many times held, in many contexts, that it is no job for government to decide what counts as the right balance of

private expression—to 'un-bias' what it thinks biased[.]" *Moody v. NetChoice, LLC*, 603 U.S. 707, 719 (2024). Rather, the First Amendment commits to the individual the power to "decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence." *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994). In *Moody*, decided just two terms ago, a plurality of the Supreme Court opined there is no legitimate government interest—and therefore no permissible application under the First Amendment—in "correct[ing] the mix of speech" in order to "better balance the speech market." 603 U.S. at 740, 741. Yet this is precisely the interest that the Chairman, and the Commission he effectively controls, seek to advance with the news distortion policy.

II. The Commission's recent use of the news distortion policy for partisan purposes has chilled speech and journalism.

Over the past sixteen months, the Commission has broken with its longstanding practice of caution and adopted an aggressive, and selective, approach to invoking and enforcing the news distortion policy.

On January 22, 2025, the Commission staff, which operate under the exclusive control of the Chairman, re-opened two news distortion matters that the staff under the direction of the prior Chair had previously closed, docketing one arising from a *60 Minutes* interview for public comment. *News Distortion Complaint Involving CBS Broad. Inc., licensee of WCBS, New York, NY*, 40 FCC

Rcd. 565 (EB 2025); *News Distortion Complaint Involving WPVI Television (Philadelphia), LLC, licensee of WPVI-TV, Philadelphia, PA*, 40 FCC Rcd. 564 (EB 2025). The complaints were against stations owned and operated by CBS and ABC. The Commission staff had previously rejected the complaints "as at odds with the First Amendment," but reversed course under Chairman Carr's leadership, claiming they had been dismissed prematurely and required "further consideration." Add. 33 (also available at: https://perma.cc/L7NP-WM4Z). Notably, the Chairman did not direct staff to re-open another complaint involving coverage favorable to the current administration, which it had previously dismissed alongside the complaints against CBS and ABC on the same grounds. *Id*. This suggests that the viewpoints of the networks, rather than the merits of the complaints, were the reason for reviving the proceedings.

In April 2025, the Chairman invoked the news distortion policy in response to the content of a news broadcast. On X, the Chairman accused Comcast affiliates of engaging in news distortion by referring to Kilmar Ábrego Garcia—a Maryland resident whom the administration had wrongfully deported to a notorious prison in El Salvador—as a "Maryland man." Add. 36 (also available at: https://perma.cc/Z2VG-XUSR). According to the Chairman, this phrase was inaccurate because Ábrego Garcia was "validated as a member of the violent

MS13 gang," a claim that was deeply contested even at the time.[3] The Chairman warned that there could be consequences: "Comcast knows that federal law requires its licensed operations to serve the public interest. News distortion doesn't cut it." *Id*.

These threats and investigations soon had clear effects on broadcasters' editorial judgments and programming decisions. Under the cloud of the re-opened news distortion complaint, CBS's flagship news program *60 Minutes* saw departures of several high-profile editors. The longtime executive producer resigned in April 2025, writing that he was no longer able "[t]o make independent decisions based on what was right for 60 Minutes, right for the audience." Add. 39 (also available at: https://perma.cc/8LLS-KJ3H).

At the same time, Skydance Media had applied for permission to acquire CBS News's parent company, Paramount. As the applications for approval dragged on beyond the Commission's 180-day timeline,[4] observers began to

[3] Just days before the Chairman's post, a federal district court had found the claim "unsubstantiated." *Abrego Garcia v. Noem*, 777 F. Supp. 3d 501, 508 (D. Md. 2025). It observed that, "the 'evidence' against Abrego Garcia consisted of nothing more than his Chicago Bulls hat and hoodie, and a vague, uncorroborated allegation from a confidential informant claiming he belonged to MS-13's 'Western' clique in New York—a place he has never lived." *Id*. at 508 n.5.

[4] The Commission has an informal 180-day timeline for deciding applications for transfer. *See* FCC, *Informal Timeline for Consideration of Applications for Transfers or Assignments of Licenses or Authorizations Relating to Complex*

question whether the pending news distortion complaint against CBS, and a private civil lawsuit filed by the President premised on the same facts and theory, were behind the delay. Add. 44 (also available at: https://perma.cc/GT8T-UML9). These suspicions were confirmed when Skydance submitted a letter to the Chairman—not the full Commission—representing that it would conduct a review of the content of CBS's news coverage and install an ombudsman to investigate complaints of bias. Add. 51–52 (also available at: https://www.fcc.gov/ecfs/document/1072299913934/2).

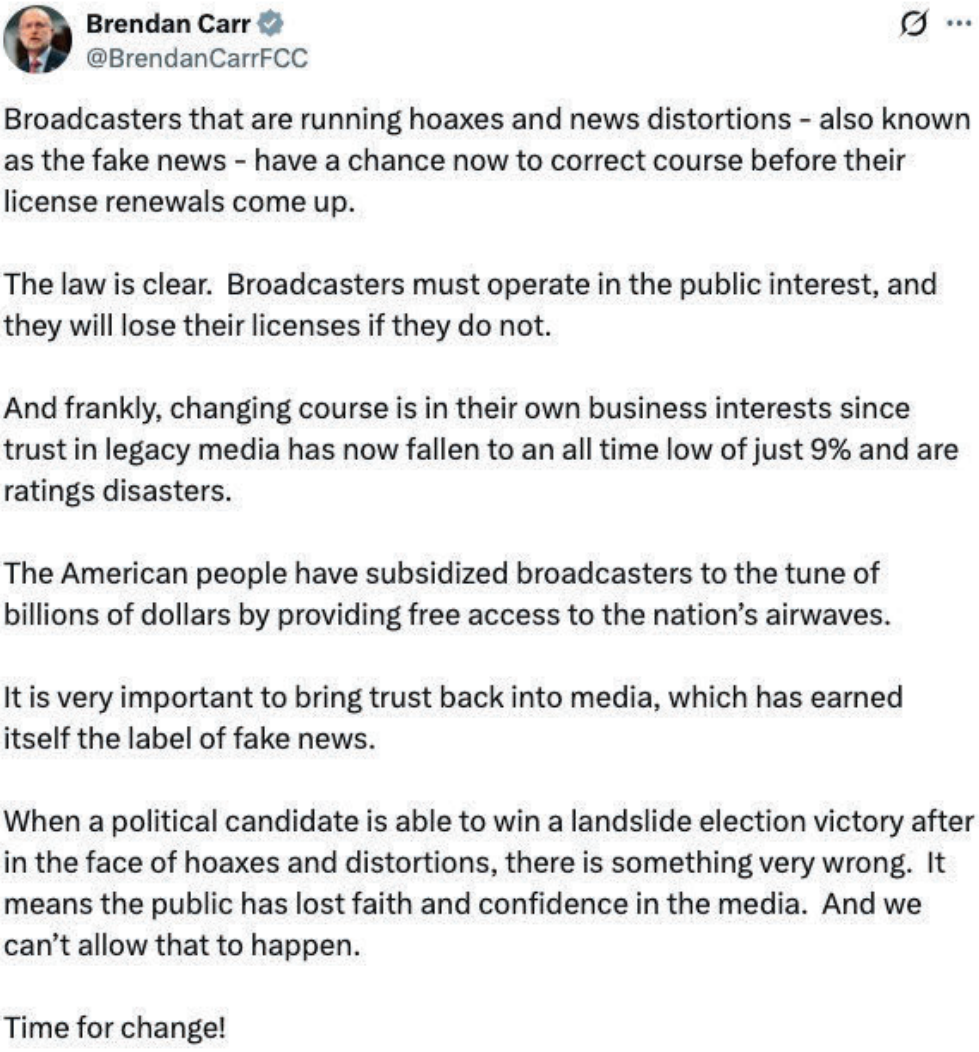
Two days later, the Commission approved the applications. The Chairman immediately issued a victory statement, celebrating Skydance's concession to "root out the bias" from the "once storied CBS broadcast network." Add. 54 (also available at: https://docs.fcc.gov/public/attachments/DOC-413229A1.pdf).

The Commission continues to threaten broadcasters using the news distortion policy to this day. On March 14, 2026, the Chairman posted again to X to warn all broadcasters to "correct course" on their coverage of the war with Iran. Add. 57 (also available at: https://perma.cc/4E56-AAQH). Reposting a Truth Social post from the President calling coverage of a downed American refueling

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Mergers (available at: https://perma.cc/UAF8-WGE6). The Commission took more than 300 days to approve Paramount's transfer application.

plane "fake news," the Chairman warned that such "fake news" was actionable news distortion that could result in the loss of a broadcast license. "The law is clear," the Chairman stated, "Broadcasters must operate in the public interest, and they will lose their licenses if they do not."



Brendan Carr
@BrendanCarrFCC

Broadcasters that are running hoaxes and news distortions - also known as the fake news - have a chance now to correct course before their license renewals come up.

The law is clear. Broadcasters must operate in the public interest, and they will lose their licenses if they do not.

And frankly, changing course is in their own business interests since trust in legacy media has now fallen to an all time low of just 9% and are ratings disasters.

The American people have subsidized broadcasters to the tune of billions of dollars by providing free access to the nation's airwaves.

It is very important to bring trust back into media, which has earned itself the label of fake news.

When a political candidate is able to win a landslide election victory after in the face of hoaxes and distortions, there is something very wrong. It means the public has lost faith and confidence in the media. And we can't allow that to happen.

Time for change!

In the context of a war—a matter of tremendous public concern—the Chairman's threat to scrutinize the news for conformity with the administration's narrative has a particularly chilling effect.

So, too, in the context of the midterm elections, which are fast approaching. The Chairman's naked attempts to suppress coverage the Administration views as unfavorable pose serious threats to the First Amendment and to our democratic order. The Chairman understands that the stakes of the midterms are high for the Administration. Thin majorities in Congress hang in the balance—and with them committee leadership, the ability to enact a legislative agenda, and the power to exercise oversight of the executive. The Chairman's abuse of the news distortion policy itself distorts the information voters have to make their choice, threatening the fairness of the midterms.

III. The Petition for Special Relief asks the Commission to rescind the news distortion policy.

On November 13, 2025, a bipartisan group of former FCC commissioners, chairs, and senior-level staff filed a Petition for Special Relief with the Commission seeking the policy's repeal.[5] Add. 1–19. The Petition presented five reasons for repeal.

First, the Petition argued, the Supreme Court has questioned whether the basic purpose of the news distortion policy—to correct inaccurate or distorted news—is a legitimate government interest. As the Court recently put it, "this Court

[5] Petitioner Radio Television Digital News Association joined the Petition for Special Relief on April 20, 2026. Add. 20.

has many times held, in many contexts, that it is no job for government to decide what counts as the right balance of private expression—to 'un-bias' what it thinks biased, rather than to leave such judgments to speakers and their audiences." *Moody*, 603 U.S. at 719. As the First Amendment only countenances restrictions on speech that serve some legitimate government interest, misapplication of the news distortion policy fails this constitutional test.

Second, the Petition asserted that the application of the news distortion policy separately violates the First Amendment because of its chilling effect on broadcaster speech. This rationale was one of the bases for the Commission's repeal of the fairness doctrine, cousin to the news distortion policy, in 1987. *See In re Complaint of Syracuse Peace Council*, 2 F.C.C. Rcd. 5043, 5049–50 (1987). The Petition recounted the broad chilling effects of the Chairman's abuse of the news distortion policy. As further evidence, Petitioner RTDNA's members have modified the content of their coverage, reassigned reporters, and been subjected to increased editorial scrutiny because of the Chairman's abuse of the news distortion policy. Add. 21.

Third, the Petition described how the news distortion policy has shown itself to be susceptible to partisan weaponization. Relying on the facts described above, the Petition argued that the Commission, at the direction of the Chairman, has enforced the news distortion policy selectively against broadcasters and coverage

the current administration disfavors. Such partisan use of regulatory authority contravenes not only the First Amendment, but the Communications Act's limitations on the Commission's powers as well. *See* 47 U.S.C. § 326.

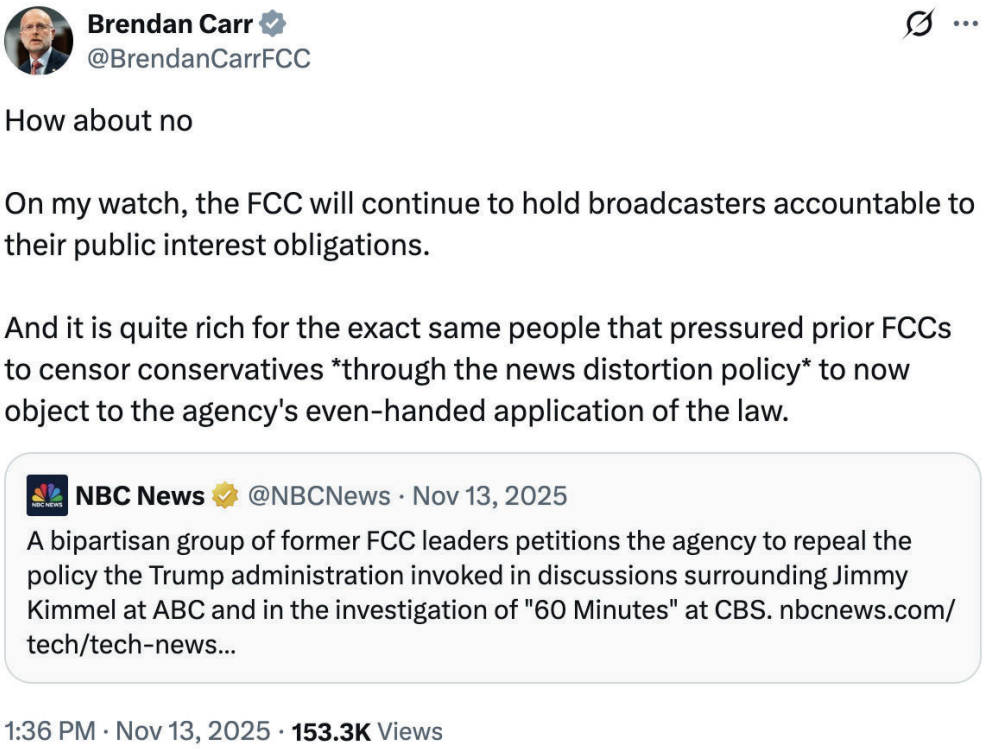
Fourth, the Petition argued that the news distortion policy is overly vague. It noted that the Commission's decision to re-open the news distortion complaints that do not meet the policy's standard has only heightened confusion among broadcasters as to what the policy proscribes.

Fifth, the Petition argued that the news distortion policy serves no critical regulatory purpose. The policy has only been applied eight times, and only once in the last forty years. The Commission's broadcast hoax rule, 47 C.F.R. § 73.1217, which proscribes a narrower set of false speech, provides adequate authority to the Commission to regulate dangerous broadcasts and rests on distinct, valid government interests regarding public safety, not balance or bias. In light of that rule, the news distortion policy is unnecessary.

IV. The Chairman immediately indicates no review is forthcoming, and the Commission takes no action.

The News Distortion Petition was filed on November 13, 2025. That same day, the Chairman posted to X in response to an NBC news article about the Petition, "How about no[.] On my watch, the FCC will continue to hold

broadcasters accountable to their public interest obligations." Add. 60 (also available at: https://perma.cc/2Q79-MF7U).



The next day, the Chairman posted a thumbs down emoji in response to a Washington Post article about the Petition. Add. 63 (also available at: https://perma.cc/763T-JJEQ).



The Chairman's responses indicated that no Commission review of the Petition would be forthcoming. And none has. As explained in the attached declaration of Ruth Milkman, the Chairman controls the Commission's docket. Under his direction the Commission has not docketed the petition, acknowledged receipt, solicited comment, or given any other indication that the agency has begun to take action on the Petition. Other than the Chairman's two social media posts

immediately following filing, there has been no action from the Commission in the several months the agency has had the Petition.

V. Powers of the Chairman and Commission practice.

Under the Communications Act, Commission rules, and longstanding Commission practice, the Chairman exclusively controls the procedure for agency action on the News Distortion Petition.

47 U.S.C. § 155(a) provides that the Chairman "shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the Commission . . . and generally to coordinate and organize the work of the Commission in such manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission."

Although there are no specific Commission rules governing procedure or administration of petitions for special relief like the News Distortion Petition, as a matter of agency practice the Chairman exercises complete control over the presentation of matters like the News Distortion Petition to the full Commission for consideration. Add. 25. Consistent with the Chairman's statutory designation as chief executive officer, Commission practice defers complete control over the agency's staff and agenda to the Chairman. *Id*. The Chairman determines whether and when matters are presented to the full Commission for action. *Id*. There is no mechanism for other commissioners to bring a matter to the full Commission. *Id*.

The Chairman also selects all senior staff, including office heads and bureau chiefs, who draft Commission decisions at the direction and under the supervision of the Chairman. *Id*. These decisions are then presented to the full Commission with a recommended outcome. *Id*.

The Commission has adopted rules delegating some functions to the chiefs of the various bureaus, with the general limitation that this authority extends only to "matters which are minor or routine or settled in nature and those in which immediate action may be necessary." 47 C.F.R. § 0.5(c). Among these delegations is 47 C.F.R. § 0.283, which gives certain powers to the Chief of the Media Bureau. However, this rule specifies that five categories of "matters shall be referred to the Commission en banc for disposition[.]" One of those categories that are outside of the Media Chief's authority is set forth in Section 0.283(c): "matters that present novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines." Petitioners' News Distortion Petition falls into this category. As former Commission Chief of Staff Ruth Milkman explains in her Declaration:

> [B]ecause it calls for overruling an agency policy, the FCC staff cannot act on the petition under delegated authority. The Chairman has exclusive control over whether and any decision granting or

> denying the Petition for Special Relief is presented to the full Commission for resolution. Add. 26.

Under this scheme, the Chairman decides when, if ever at all, the News Distortion Petition should be presented to the Commission for action. The Chairman's posts dismissing the Petition with "How about no," coupled with the absence of any movement from the Commission, make clear that the agency does not intend to take any action on the News Distortion Petition.

ARGUMENT

It is "undisputed" that this Court has the authority to compel agency action unlawfully withheld or unreasonably delayed. *In re Core Commc'ns, Inc.*, 531 F.3d 849, 855 (D.C. Cir. 2008); *TRAC*, 750 F.2d at 75. Mandamus is the proper vehicle for such a request. *TRAC*, 750 F.2d at 75. This Court will grant a writ of mandamus when a petitioner establishes three things: (1) the agency has violated a clear duty to act; (2) the agency's delay in acting is so egregious as to warrant mandamus; and (3) the petitioner has no adequate alternative remedy. *In re Ctr. for Biological Diversity*, 53 F.4th 665, 670 (D.C. Cir. 2022). In this evaluation, "[n]o one factor is determinative, and '[e]ach case must be analyzed according to its own unique circumstances.'" *In re Pub. Emps. for Env't Resp.*, 957 F.3d 267, 273 (D.C. Cir. 2020) (quoting *Air Line Pilots Ass'n, Int'l v. Civil Aeronautics Bd.*, 750 F.2d 81, 86, (D.C. Cir. 1984)).

Each of these elements is met here. The Chairman and Commission have a clear duty to take action on the News Distortion Petition under 47 C.F.R. § 0.3, 47 U.S.C. §§ 154(i), (j), and in light of the urgent and ongoing First Amendment harms caused by the Chairman's abuse of the news distortion policy. The Commission's inaction constitutes both unacknowledged agency action on the Petition and delay that is egregious under the *TRAC* factors, warranting mandamus in either case. And the Petitioners lack any alternative remedy to the acute and ongoing First Amendment injuries they are suffering under an agency policy that has suffused the Commission's entire regulatory regime.

Courts have recognized that "mandamus plays an important and necessary role in protecting First Amendment freedoms." *In re Murphy-Brown, LLC*, 907 F.3d 788, 796 (4th Cir. 2018). Mandamus is needed here, where each passing day of inaction from the Commission is another day Petitioners and the public suffer a violation of their First Amendment rights.

I. The Commission has a clear legal duty to decide the News Distortion Petition.

The Commission has a clear duty to act promptly on the News Distortion Petition, particularly in the atypical circumstances of this case.

Commission regulations impose a clear duty on the Chairman "[t]o coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission." 47 C.F.R. § 0.3(a)(4). This regulation effectuates the Commission's obligations under the Communications Act. 47 U.S.C. § 154(j) requires the Commission to "conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice." In the ordinary course, Section 154(j) has often been construed to give the agency latitude in managing its affairs. *See, e.g.*, *GTE Serv. Corp. v. FCC*, 782 F.2d 263, 273 (D.C. Cir. 1986). However, there are constraints on that latitude: the Commission may abuse its discretion in circumstances of "*unreasonable delay or significant prejudice to the parties.*" *Id.* at 274 (emphasis added). Similarly, 47 U.S.C. § 154(i), entitled "Duties and powers," directs the agency to "perform any and all acts, ... and issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions."

The News Distortion Petition is plainly a "matter[] within the jurisdiction of the Commission." 47 C.F.R. § 0.3(a)(4).[6] The Chairman, having prejudged the

[6] Section 0.3(a)(4) does not require prompt action on *any* petition for special relief or request to the Commission. Only those that are properly "matters within the jurisdiction of the Commission." The News Distortion Petition, which seeks the repeal of agency precedent, is such a matter.

merits of the Petition, is using his ability to block any action on it in direct contravention of his obligation to "promote prompt and efficient disposition" of the matter. *Id*. The meaning of "prompt" in this context must be assessed in light of both the Chairman's prejudgment of the Petition and the "significant prejudice" to the First Amendment rights of the Petitioners caused by his delay. *GTE Serv. Corp.*, 782 F.2d at 274. As discussed more fully below, *infra* at 28–33, the Commission's abuse of the news distortion policy poses substantial, ongoing, and irreparable First Amendment harms to Petitioners and the public. The Commission's inaction perpetuates these harms by allowing the news distortion policy to continue to chill broadcaster speech.

Once Congress or an agency (through regulation) has determined that some action is required, the APA requires that action be taken "within a reasonable time." 5 U.S.C. § 555(b). At a minimum, Section 555(b) augments the duty to decide the News Distortion Petition created by 47 C.F.R. § 0.3(a)(4), commanding the Commission to "proceed to conclude [the] matter presented to it."[7] Section

[7] At a maximum, Section 555(b) provides an independent source of a duty to act when agency inaction "thwarts the court's ability to review agency action." *Karimova v. Abate*, No. 23-5178, 2024 WL 3517852, at *5 (D.C. Cir. July 24, 2024) (unpublished) (interpreting *In re Am. Rivers and Idaho Rivers United*, 372 F.3d 413 (D.C. Cir. 2004) in light of *Norton v. S. Utah Wilderness All.*, 542 U.S. 55 (2004)). The Court should grant Petitioner's request for mandamus because the Commission has a clear duty to take action on the News Distortion Petition under its own regulations. In the alternative, the Commission has a duty to act because

555(b) further provides that this duty to act must be carried out "[w]ith due regard for the convenience and necessity of the parties or their representatives and within a reasonable time," not on the whims of the Chairman. As this Court has explained, this provision "imposes a general but nondiscretionary duty upon an administrative agency to pass upon a matter presented to it." *Mashpee Wampanoag Tribal Council, Inc. v. Norton*, 336 F.3d 1094, 1099 (D.C. Cir. 2003). This duty to respond is mandatory, even if the ultimate decision on *how* to respond to the matter is within the agency's discretion. *Am. Rivers*, 372 F.3d at 418; *accord Norton*, 542 U.S. at 65 ("[W]hen an agency is compelled by law to act . . . but the manner of its action is left to the agency's discretion, a court can compel the agency to act, but has no power to specify what the action must be.").

The Chairman is obligated to act to ensure the "prompt . . . disposition" of the News Distortion Petition. 47 C.F.R. § 0.3(a)(4). Any contention that the Commission is "not obligated to address a petition filed under one of its own regulations . . . is without merit." *Am. Rivers*, 372 F.3d at 418. The Chairman's evident desire not to rule upon the Petition must yield to Petitioners' entitlement to a reviewable answer.

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inaction thwarts this Court's jurisdiction, guaranteed by 47 U.S.C. § 402(a) and 28 U.S.C. § 1651(a).

II. The Commission's inaction on the News Distortion Petition warrants mandamus relief.

This Court may issue a writ of mandamus to address agency inaction that impedes the Court's future review of final agency action. *TRAC*, 750 F.2d at 79; *Sierra Club v. Thomas*, 828 F.2d 783, 793 (D.C. Cir. 1987). Inaction that warrants mandamus relief can include (1) inaction that represents final agency action that is not officially acknowledged; or (2) unreasonable delay of final action. *Sierra Club*, 828 F.2d at 793–94. Under either rubric, the Commission's inaction here provides compelling equitable grounds to grant mandamus relief.

A. The Commission's inaction constitutes an agency decision to not respond to the petition.

Agency inaction can have "precisely the same impact on the rights of the parties as denial of relief." *Id.* (citing *Env't Defense Fund, Inc. v. Hardin*, 428 F.2d 1093, 1099 (D.C. Cir. 1970)). In such situations, the Court may issue a writ compelling the agency to take action on the petition because the Commission's inaction represents "effectively final agency action that the agency has not frankly acknowledged." *Id*. "[T]he court can undertake review as though the agency had denied the requested relief and can order an agency to either act or provide a reasoned explanation for its failure to act." *Id*. (quoting *Env't Defense Fund*, 428 F.2d at 1099).

Here, the Chairman's public statements about the Petition—remarking "How about no" and posting a thumbs down emoji in response to social media posts about the Petition—demonstrate that no agency action on the Petition will be forthcoming. *See supra* at 15–18. In fact, in the several months since it was filed, the Commission has neither acknowledged receipt of the Petition nor placed it on the docket. *See supra* at 17. The Commission cannot escape mandamus merely by "casting its decision in the form of inaction rather than in the form of an order denying relief" where no agency action is likely. *Sierra Club*, 828 F.2d at 793. The Court should issue a writ of mandamus addressing the agency's inaction.

B. The Commission has unreasonably delayed acting on the News Distortion Petition.

Even if the Commission were to represent that it is still considering the News Distortion Petition, its delay is unreasonable and a writ of mandamus is needed to compel prompt agency action given the significant constitutional rights at stake. This Court has identified six non-exclusive factors for assessing unreasonable agency delay: (1) whether the agency's timeline is governed by a "rule of reason"; (2) statutory deadlines or "other indication" of the expected timeline; (3) whether the delay is in the "sphere of economic regulation" or impacts health and welfare; (4) the effect of granting mandamus on other agency priorities; (5) the nature and extent of the interests prejudiced by delay; and (6)

"any impropriety lurking behind" the agency's delay. *TRAC*, 750 F.2d at 80. The reasonableness of agency delay is not measured solely by the length of delay—no single factor is determinative, and "each case must be analyzed according to its own unique circumstances." *Pub. Emps. for Env't Resp.*, 957 F.3d at 273 (citation modified). Here, the weight of the *TRAC* factors supports a writ of mandamus.

Factors one and two – nature of the delay. The first and second *TRAC* factors assess whether the agency's response time is governed by an identifiable rationale, complies with any specified schedules, and are typically examined together. *See TRAC*, 750 F.2d at 80; *Potomac Elec. Power Co. v. I.C.C.*, 702 F.2d 1026, 1034 (D.C. Cir. 1983).

As explained above, the Commission abuses its discretion in managing its affairs in circumstances of "unreasonable delay or significant prejudice to the parties." *GTE Serv. Corp.*, 782 F.2d at 274; *see also* 47 C.F.R. § 0.3(a)(4) (requiring "prompt and efficient disposition" of all Commission matters); 47 U.S.C. § 154(i). The Administrative Procedure Act also requires the Commission to "conclude a matter" "within a reasonable time." 5 U.S.C. § 555(b). While there is "no per se rule as to how long is too long to wait for agency action," "a reasonable time for agency action is typically counted in weeks or months, not years." *Am. Rivers*, 372 F.3d at 419 (rejecting agency's argument that it was not required to respond to a petition requesting discretionary action); *accord Pub.*

Emps. for Env't Resp., 957 F.3d at 274. The Commission's nearly six month-long delay combined with the remaining *TRAC* factors weigh in favor of mandamus relief.

Factors three and five – interests prejudiced. The third and fifth *TRAC* factors are both concerned with the nature of the interests at issue and the extent to which they are prejudiced by agency delay, and are often considered together. *TRAC*, 750 F.2d at 80; *see also Khan v. Baker*, No. 24-CR-271-RCL, 2025 WL 958312, at *5 (D.D.C. Mar. 31, 2025). Here, the News Distortion Petition raises significant First Amendment concerns, Add. 9–16, that are irreparably prejudiced each day the Chairman misuses the news distortion policy to chill speech.

The news distortion policy, as applied by the Chairman, strays far from the "fixed star of our constitutional constellation," "that no official, high, or petty, can prescribe what shall be orthodox in politics . . . or other matters of opinion." *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). There are few greater dangers to free expression "than allowing the government to change the speech of private actors in order to achieve its own conception of speech nirvana." *Moody*, 603 U.S. at 742 (explaining that the government "cannot prohibit speech to improve or better balance the speech market"). Given the significant constitutional interests implicated in the Petition, these factors weigh heavily in favor of mandamus relief.

At issue in the News Distortion Petition are the First Amendment rights of free speech, the public's corollary right to receive information, and the press's editorial discretion. The First Amendment recognizes that "[a]n untrammeled press is a vital source of public information, and an informed public is the essence of a working democracy." *Minneapolis Star & Trib. Co. v. Minn. Com'r of Revenue*, 460 U.S. 575, 585 (1983) (citation modified); *see also Richmond Newspapers v. Virginia*, 448 U.S. 555, 587–88 (1980) (Brennan, J. concurring) (recognizing that the press plays an important role in "fostering our republican system of self-government"). In furtherance of that core function of the press, the First Amendment prohibits interference with "the exercise of editorial control and judgment." *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 258 (1974); *accord Pacific Gas & Elec. Co. v. Public Util. Comm'n of Cal.*, 475 U.S. 1 (1986); *Moody*, 603 U.S. at 731. That prohibition extends to government attempts to "'un-bias' what it thinks biased." *Moody*, 603 U.S. at 719, which is precisely what the Petition asserts is the current effect of the news distortion policy. Add. 10–11.

These principles apply equally in the broadcast context, as Congress and the Supreme Court have repeatedly recognized that the Commission's regulatory authority is restrained by the First Amendment. *See* 47 U.S.C. § 326 (denying "the Commission the power of censorship" or the ability to "interfere with the right of free speech"); *FCC v. League of Women Voters of California*, 468 U.S. 364, 378

(1984) ("[T]he First Amendment must inform and give shape to the manner in which Congress exercises its regulatory power in this area . . . broadcasters are entitled under the First Amendment to exercise the widest journalistic freedom consistent with their public [duties].") (citation modified); *Turner Broad. Sys.,* 512 U.S. at 650 ("[T]he FCC's oversight responsibilities do not grant it the power to ordain any particular type of programming that must be offered by broadcast stations.").

Permitting the Commission to continue to ignore the News Distortion Petition will irreparably prejudice Petitioners and all broadcasters. The Chairman's abuse of the news distortion policy is chilling broadcasters' speech—incentivizing them to avoid coverage on controversial and partisan issues. Add. 10–11. The Petition cites multiple examples of the Chairman's intrusions on broadcasters' editorial discretion. Add. 11–15. Petitioner RTDNA's members have also "modified coverage, reassigned reporters, modified hiring decisions, adjusted coverage plans, and been subjected to increased editorial oversight" as a result of the news distortion policy and the Chairman's threats. Add. 21. The Chairman's weaponization of the news distortion policy has caused broadcasters to restrain their news coverage. As applied, the policy's chilling effect on speech violates the First Amendment and constitutes irreparable harm warranting relief. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976) ("The loss of First Amendment freedoms, for

even minimal periods of time, unquestionably constitutes irreparable injury."); *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 616 (2021) (finding that a donor disclosure requirement created an unnecessary risk of chilling speech in violation of the First Amendment); *accord Media Matters for Am. v. Paxton*, 138 F.4th 563, 585 (D.C. Cir. 2025) (presuming irreparable harm where there is a First Amendment injury).

The Chairman's continued threats to initiate investigations under the news distortion policy months before the midterm elections underscore the urgent need for the Commission to rule on the Petition. *See supra* at 13; *see also Campaign Legal Ctr. v. Iowa Values*, 573 F. Supp. 3d 243, 253 (D.D.C. 2021) (assessing *TRAC* factors three and five and explaining that "threats to the health of our electoral processes also require timely attention"). The press plays an essential role in "keeping officials elected by the people responsible to all the people whom they were selected to serve." *Mills v. Alabama*, 384 U.S. 214, 219 (1966) (striking down restrictions on the publication of newspaper editorials). It does this in part by providing information necessary "to vote intelligently or to register opinions on the administration of government generally." *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 491–92 (1975); *see also N.Y. Times Co. v. Sullivan*, 376 U.S. 254 (1964) (underscoring role of the press in enabling the "public discussion of the stewardship of public officials"). The news distortion policy has chilled, and

continues to chill, robust news coverage. Add. 12–13; 21. That forgone coverage deprives voters of their right to receive information essential to democratic decision-making and undermines the press's essential role in our democracy.

Factor four – effect on other agency priorities. The fourth *TRAC* factor "generally cautions against facilitating line-jumping and reordering agency priorities." *Ctr. for Biological Diversity*, 53 F.4th at 672. Here, however, Petitioners are not seeking to cut the line or obtain relief that would benefit only themselves. The benefits of a ruling on the News Distortion Petition will inure to all broadcasters subject to the policy and to the public. *See Red Lion Broad. Co. v. FCC*, 395 U.S. 367, 390 (1969) ("It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."). Moreover, taking action on the News Distortion Petition would further a core priority of the Commission in eliminating rules that are either "unnecessary" or "affirmatively detrimental." FCC, *In re: Delete, Delete, Delete*, Docket No. 25-133 (Mar. 12, 2025) , https://docs.fcc.gov/public/attachments/DA-25-219A1.pdf. Multiple commenters, including the National Association of Broadcasters, have pointed to the news distortion policy as one such policy. Nat'l Ass'n of Broad. Comment Letter on In Re Delete, Delete, Delete, Docket No. 25-133 (Apr. 11, 2025),

https://nab.org/documents/newsRoom/pdfs/NAB_Comments_DeleteDeleteDelete_Docket.pdf.

Factor six – agency impropriety. The Court "need not find any impropriety" underlying the Commission's delay to grant mandamus relief. *TRAC*, 750 F.2d at 80. However, the Chairman's public statements about the News Distortion Petition indicate that, at the least, he has prejudged the merits of the petition and that Commission action on the Petition will not be forthcoming. Under his control, the Commission has done nothing to indicate that it is reviewing the merits of the Petition nor made "any credible attempt to deny the allegation that it is deliberately dragging its feet." *In re Monroe Commc'ns Corp*., 840 F.2d 942, 947 (D.C. Cir. 1988) (denying request for mandamus but retaining jurisdiction over case until the FCC issued a final order).[8]

III. The Petitioners have no adequate alternative remedy.

Petitioners "lack an adequate alternative remedy" to mandamus because "a writ of mandamus is the only way to compel" the Commission to perform its duty to decide the News Distortion Petition. *Ctr. for Biological Diversity*, 53 F.4th at 671. Mandamus represents Petitioners' only avenue to secure agency action on the

[8] Should this Court decline to issue a writ of mandamus, Petitioners respectfully request that, at a minimum, the Court retain jurisdiction over the case until the Commission rules on the News Distortion Petition.

vital constitutional questions raised in the News Distortion Petition, and mandamus is necessary for this Court "to protect its future jurisdiction." *TRAC*, 750 F.2d at 76.

As described above, the refusal even to consider addressing the Petition is entirely within the control of the Chairman. His public statements ("How about no") make plain that the Commission will not act on the Petition absent intervention from this Court. *See supra* at 15–18. And, in any event, he continues to invoke the news distortion policy to chill the First Amendment protected expression of Petitioners and regulated entities beyond them. Just last month, Chairman Carr invoked the news distortion policy to threaten broadcast licensees for the content of their coverage of the war in Iran. *See supra* at 11–12. These ongoing First Amendment harms constitute irreparable injury and warrant speedy action here. *See Elrod*, 427 U.S. at 373.

CONCLUSION

For these reasons, the Court should grant Petitioners' request for a writ of mandamus and order the Commission to take action on the News Distortion Petition within 90 days of the Court's decision. The Court should also retain jurisdiction over the matter to ensure the Commission's compliance with its order.

April 28, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that:

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) and D.C. Circuit Rule 32(e) because it contains 7,270 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and D.C. Circuit Rule 32(a)(1).
2. This brief complies with Federal Rule of Appellate Procedure 32(a)(5)'s typeface requirements and Federal Rule of Appellate Procedure 32(a)(6)'s typestyle requirements because it has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 in 14-point Times New Roman font.

April 28, 2026

/s/ *Conor S. Gaffney*
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CERTIFICATE OF SERVICE

I certify that, on April 28, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. Consistent with 47 C.F.R. § 1.13(b), I also served a true copy of the foregoing upon the Commission's general counsel by email to LitigationNotice@fcc.gov. Consistent with 47 U.S.C. § 402(d), I will provide a courtesy copy of the foregoing to all other parties listed in section A of the certificate as to parties, rulings, and related cases appended to the front of this filing.

April 28, 2026

/s/*Conor S. Gaffney*
Conor S. Gaffney

No. 26-1099

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

In re Radio Television Digital News Association, Rachelle B. Chong, Ervin S. Duggan, Mark S. Fowler, Alfred C. Sikes, Thomas E. Wheeler, Christopher J. Wright, Kathryn C. Brown, Jerald N. Fritz, *Petitioners*.

ADDENDUM TO PETITION FOR WRIT OF MANDAMUS TO THE FEDERAL COMMUNICATIONS COMMISSION

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)
	)
Repeal of the News Distortion Policy	)

PETITION FOR SPECIAL RELIEF

Andrew C. Barrett, Rachelle B. Chong, Ervin S. Duggan, Mark S. Fowler, Dennis R. Patrick, Alfred C. Sikes, Thomas E. Wheeler, Christopher J. Wright, Kathryn C. Brown, Jerald N. Fritz, Peter Pitsch,

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SUMMARY

The petitioners request that the FCC repeal the news distortion policy in full. In *Moody v. NetChoice, LLC*, the Supreme Court, applying the First Amendment, reaffirmed that the government has no role in "un-biasing" the media. In direct contradiction to that decision, the news distortion policy seeks to mold the speech of private broadcasters to the FCC's own view of what is correct, complete, and accurate news. The First Amendment forbids the government from embarking on such a project.

Furthermore, the application of the news distortion policy is constitutionally problematic. The vast scope and vague language of the news distortion policy cast an omnipresent shadow over broadcasters' freedom of expression while leaving the policy open to partisan weaponization. Wielding the news distortion policy, the FCC has already opened or threatened to open investigations against private broadcasters due to disagreements with editorial decisions or statements made in a comedic monologue. Even if the FCC never tries to take enforcement action in these cases, the specter of government interference alone chills broadcasters' speech and suppresses their message.

Because the FCC has no legitimate interest in correcting or punishing what it considers to be slanted news coverage, the news distortion policy lacks a meaningful function. Over a period of 60 years, the FCC only enforced the policy eight times, typically in cases involving an intentional hoax. However, such cases are now covered by the FCC's broadcast hoax role, rendering the news distortion policy a vestigial organ. In light of its redundancy and obsolescence, as well as its actively harmful effects, amply demonstrated as of late, the petitioners respectfully request the repeal of the news distortion policy.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)
	)
Repeal of the News Distortion Policy	)

PETITION FOR SPECIAL RELIEF

To: The Commission[1]

I. Introduction

The Supreme Court has "many times held, in many contexts, that it is no job for government to decide what counts as the right balance of private expression—to 'un-bias' what it thinks biased, rather than to leave such judgments to speakers and their audiences."[2] Nor does government have any "power to restrict expression because of its message, its ideas, its subject matter, or its content."[3] Even false speech is protected by the First Amendment.[4] The Communications Act similarly denies "the Commission the power of censorship" or the ability to

[1] Because the relief requested requires repealing and revising established Commission policy and precedent, this petition must be decided by the full Commission. Section 0.283(c) of the Commission's rules stipulates that the Chief of the Media Bureau "shall … refer[] to the Commission en banc for disposition … [m]atters that present novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines." *See also* Section 0.5(c) ("[T]he Commission has delegated authority to its staff to act on matters which are minor or routine or settled in nature.").

[2] *Moody v. NetChoice, LLC*, 603 U.S. 707, 719 (2024).

[3] *United States v. Alvarez*, 567 U.S. 709, 716 (2012) (plurality opinion).

[4] *Id*.

"interfere with the right of free speech."[5] Yet the current FCC Chairman has asserted the power to do precisely what the Supreme Court and Congress have forbidden, and what former FCC general counsel declared the agency could not do: "act as a self-appointed, free-roving arbiter of truth in journalism."[6]

To achieve this, Chairman Carr has invoked the news distortion policy and the public interest obligations of broadcasters. We ask the Commission to rescind the news distortion policy and affirm that the agency cannot police broadcaster licensees' speech for bias or the falsity of the speech they carry, except under the exceedingly narrow circumstances of the broadcast hoax rule.

II. Background on the News Distortion Policy

In 1949, the Commission declared that, by requiring broadcast licensees to operate in the "public interest, convenience and necessity," Congress implicitly forbade any licensee to "exercise his authority over the selection of program material to distort or suppress the basic factual information upon which any truly fair and free discussion of public issues must necessarily depend."[7] This policy was a corollary of the now-defunct fairness doctrine, motivated by the Commission's sense that broadcasters must "maintain" the public airwaves as a source of "reasonably balanced" discussions of news.[8] While the fairness doctrine explicitly involved balancing certain broadcast media coverage, the news distortion policy did the same implicitly. Both concepts required the Commission to assess the objectivity of news.

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[5] 47 U.S.C. § 326.

[6] *Letter to Jessica J. Gonzalez*, 35 FCC Rcd. 3032, 3033 (MB & OGC 2020).

[7] *See Report on Editorializing by Broadcast Licensees*, 13 F.C.C. 1246, 1254 (1949).

[8] *Id.* at 1257–58.

The policy remained largely dormant until the late 1960s and 1970s, when several high-profile allegations of news staging and falsification drew the attention of Congress and the public.[9] In this period, the Commission articulated the contemporary policy, which imposes a high threshold for even considering news distortion complaints. First, there must be "deliberate distortion," as distinct from "mere inaccuracy or difference of opinion."[10] Second, there must be extrinsic evidence (i.e., beyond the broadcast itself) demonstrating that the broadcaster deliberately distorted or staged the news.[11] Third, the distortion must apply to a "significant event," rather than minor inaccuracies or incidental aspects of the report.[12] And finally, extrinsic evidence must show that the distortion involved the "principals, top management, or news management" of the licensee, as opposed to other employees.[13]

These procedural safeguards around the use of the news distortion policy reflect the Commission's recognition that embroiling the government in reviewing the accuracy of news broadcasts presents grave risks to a free press and free expression. The agency has recognized that journalism "necessarily involves selection and editorial judgment,"[14] that any government efforts to "authenticate the news" would "cast the chill of omnipresent government censorship over the newsmen's independence,"[15] and that it would be "unwise and probably impossible" for a

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[9] Lili Levi, *Reporting the Official Truth: The Revival of the FCC's News Distortion Policy*, 78 Wash. U. L. Q. 1005, 1016–17 (2000).

[10] *Galloway v. FCC*, 778 F.2d 16, 20 (D.C. Cir. 1985).

[11] *See Hunger in Am.*, 20 F.C.C.2d 143, 150–51 (1969).

[12] *Galloway*, 778 F.2d at 20.

[13] *Hunger in Am.*, 20 F.C.C.2d at 150.

[14] *The Selling of the Pentagon*, 30 F.C.C.2d 150, 152 (1971).

[15] *Mrs. J.R. Paul*, 26 F.C.C.2d 591, 592 (1969).

government agency to judge the "accuracy" of broadcasts.[16] That would require the Commission to "sit as a review body of the 'truth' concerning news events"—a subjective role that is plainly "not appropriate" for a government licensing agency.[17] The Commission thus repeatedly stated that it "cannot properly investigate . . . whether an account or analysis of a news commentator is 'biased' or 'true.'"[18]

Despite these concerns, the Commission retained its news distortion policy because it considered broadcasting critical to ensuring "an informed public."[19] But while the safeguards the Commission erected around the news distortion policy ensured its sparing and judicious use for several decades,[20] the policy's existence has left the door open for the Commission to do exactly what the Supreme Court has said the First Amendment prohibits: police media "bias."

This possibility has become reality lately. The current leadership of the Commission is using the news distortion policy to directly advance the interests of the White House. As discussed in greater detail below, the Commission has reopened and threatened to open news distortion investigations into broadcasters simply because the Chairman disapproves of their coverage as biased or allegedly "false." This pattern of escalating attacks demonstrates just how sweeping and dangerous the expansive powers claimed under the news distortion policy are.

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[16] *The Selling of the Pentagon*, 30 F.C.C.2d at 152.

[17] *Network Coverage of the Democratic Nat'l Convention*, 16 F.C.C.2d 650, 655 (1969).

[18] *Mrs. J.R. Paul*, 26 F.C.C.2d at 592.

[19] *Selling of the Pentagon*, 30 F.C.C.2d at 153; Levi, *supra* note 9, at 1099–1100.

[20] The Commission issued findings of liability in just eight cases between 1969 and 2019—including only one between 1985 and 2019. Joel Timmer, *Potential FCC Actions Against "Fake News": The News Distortion Policy and the Broadcast Hoax Rule*, 24 Commc'n L. & Pol'y 1, 20 (2019); Chad Raphael, *The FCC's Broadcast News Distortion Rules: Regulation by Drooping Eyelid*, 6 Commc'n L. & Pol'y 485, 501 (2001).

III. Interests of Petitioners

Petitioners include seven former commissioners and chairs of the Federal Communications Commission and other former Commission senior leadership. Throughout their service, these petitioners balanced pursuing the agency's regulatory mandate with the limitations of the Constitution and the Communications Act.

Andrew C. Barrett served as a Republican commissioner on the Federal Communications Commission from 1989 to 1996. He was appointed by President George H.W. Bush.

Rachelle B. Chong served as a Republican commissioner on the Federal Communications Commission from 1994 to 1997. She was appointed by President Bill Clinton.

Ervin S. Duggan served as a Democratic commissioner on the Federal Communications Commission from 1990 to 1994. He was appointed by President George H.W. Bush.

Mark S. Fowler served as a Republican commissioner and chairman of the Federal Communications Commission from 1981 to 1987. He was appointed by President Ronald Reagan.

Dennis R. Patrick served as Republican commissioner and chairman of the Federal Communications Commission from 1987 to 1989. He was appointed by President Ronald Reagan.

Alfred C. Sikes served as a Republican commissioner and chairman of the Federal Communications Commission from 1989 to 1993. He was appointed by President George H.W. Bush.

Thomas E. Wheeler served as a Democratic commissioner and chairman of the Federal Communications Commission from 2013 to 2017. He was appointed by President Barack Obama.

Christopher J. Wright served as general counsel of the Federal Communications Commission from 1997 to 2001.

Kathryn C. Brown served as chief of staff to Chairman William E. Kennard from 1998 until 2001.

Jerald N. Fritz served as legal advisor and chief of staff to Chairman Mark Fowler from 1981 to 1987.

Peter Pitsch served as chief of staff to Chairman Dennis Patrick from 1987 to 1989, and as Chief of Office of Plans and Policy at the Federal Communications Commission from 1981 to 1987.

IV. Reasons for Repealing the News Distortion Policy

This petition presents five independent reasons for repealing the news distortion policy in full. *First*, despite the Commission's efforts to narrow the policy and prevent abuse, it remains inherently dangerous; it necessarily embroils the government in trying to police media bias, which the Supreme Court has emphatically rejected as a legitimate government interest. *Second*, the news distortion policy has significantly chilled and otherwise altered the content of broadcasters' speech, undermining First Amendment values. *Third*, the news distortion policy has recently shown itself to be vulnerable to partisan weaponization, as recent investigations and public statements of the Chairman have demonstrated. *Fourth*, the news distortion policy remains overly vague, exacerbating its chilling effects and leading to confusion for broadcasters and the public at large. And *finally*, the Commission's narrowly tailored rule against broadcasting hoaxes adequately serves any remaining justifiable interest the agency has in the news distortion policy. The policy should be abandoned in full.

A. The news distortion policy's purpose—to eliminate bias in the news—is not a legitimate government interest.

Since the 1960s, courts have become increasingly clear that the First Amendment bars government efforts to "balance" the marketplace of ideas. Last Term, the Supreme Court

decisively rejected government efforts "to decide what counts as the right balance of private expression—to 'un-bias' what it thinks is biased."[21] Making clear that the point applied to all media, the Court added: "On the spectrum of dangers to free expression, there are few greater than allowing the government to change the speech of private actors in order to achieve its own conception of speech nirvana."[22] The Court said nothing to suggest that this danger was any less great regarding broadcasters.[23]

This principle applies just as readily to broadcast news coverage as it does to other types of speech. The *Moody* Court relied heavily on *Miami Herald Company v. Tornillo*, which held that a newspaper's content decisions—"whether fair or unfair"—amounted to a protected exercise of "editorial control and judgment."[24] Therefore, the government could not compel newspapers to offer so-called balanced coverage of a particular issue by requiring papers to provide space for candidates who had been criticized to respond.[25] Justice White, concurring in *Miami Herald*, warned that any system that "would supplant private control of the press with the heavy hand of government intrusion" would "make the government the censor of what the people may read and know."[26] The Commission similarly applied these principles in its decision ending the fairness doctrine. The agency expressly "repudiated the notion that it was proper for a governmental authority to intervene actively in the marketplace of ideas," particularly since enforcement of the

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[21] *Moody*, 603 U.S. at 719.

[22] *Id.* at 741–42.

[23] *See id.* at 742 n.10 (distinguishing cases upholding FCC content regulation authority as not involving exercises of that authority to "balance" or alter expressive content).

[24] *Miami Herald Co. v. Tornillo*, 418 U.S. 241, 258 (1974).

[25] *Id.*

[26] *Id.* at 260 (White, J., concurring).

doctrine required the Commission to "make subjective and vague value judgments" about "the manner and balance of coverage."[27]

These developments directly undermine the Commission's asserted interest in maintaining any news distortion policy. This policy, too, requires the Commission to assess whether an outlet's coverage is "slanted." News outlets that depart from the Government's official narrative will be systematically driven from the marketplace in an effort to "un-bias" the news—exactly what the First Amendment forbids.[28] "The First Amendment," then-Judge Kavanaugh proclaimed, "protects an independent media and an independent communications marketplace against takeover efforts by the Legislative and Executive Branches."[29]

B. The policy has chilled broadcasters' speech.

The Supreme Court has also recognized that "serious" First Amendment issues would arise if the Commission's policies had a chilling effect on broadcasters' speech and reduced their willingness to cover controversial issues.[30] In the 1980s, the Commission concluded that the fairness doctrine had that effect. Importantly, the Commission found that this alleged self-censorship took place even though it rarely enforced the doctrine, extended significant deference to broadcasters' editorial judgments, and imposed strong threshold limitations on the doctrine in an effort to cabin its scope.[31]

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[27] *Syracuse Peace Council*, 2 F.C.C. Rcd. 5043, 5051 (1987).

[28] *Moody*, 603 U.S. at 719.

[29] *U.S. Telecom. Ass'n v. FCC*, 855 F.3d 381, 427 (D.C. Cir. 2017) (Kavanaugh, J., dissenting from denial of rehearing en banc). *See also* Levi, *supra* note 9, at 1110 (stating that a critical premise of our constitutional structure is that "a press independent from government will more likely enhance democratic discourse").

[30] *See Red Lion Broadcasting Co., Inc. v. FCC*, 395 U.S. 367, 393 (1969).

[31] *Syracuse Peace Council*, 2 F.C.C. Rcd. at 5049–50.

The news distortion policy similarly chills broadcasters' speech. As the National Association of Broadcasters has explained, the news distortion policy "incentivize[s] stations to avoid controversial and partisan issues and present only 'bland, inoffensive' material, contrary to the public interest."[32] During the first Trump Administration, Chairman Ajit Pai echoed these concerns in rejecting a request to investigate a broadcaster over news distortion allegations: "I can hardly think of an action more chilling of free speech than the federal government investigating a broadcast station because of disagreement with its news coverage or promotion of that coverage."[33] Commissioner Anna Gomez recently indicated that these concerns are not just theoretical, as she has "heard from broadcasters who are telling their reporters to be careful about the way the[y] cover this administration."[34] High-profile departures from CBS—the target of an ongoing news distortion investigation—confirm this as well. The longtime executive producer of "60 Minutes" resigned in April 2025, writing that he was no longer able "[t]o make independent decisions based on what was right for 60 Minutes, right for the audience."[35]

The vast scope of the news distortion policy underlies the dangers it creates. Unlike the fairness doctrine, which applied only to coverage of "controversial issues of public importance," the news distortion policy applies broadly to coverage of *any* news event. Every news segment is open to scrutiny to determine whether the broadcaster presented the "essential facts of the news

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[32] Comments of the National Association of Broadcasters, Docket 25-73 (March 7, 2025) at 13, https://www.fcc.gov/ecfs/document/10307109522139/1.

[33] Letter from Ajit V. Pai, Chairman, FCC, to the Honorable Maria Cantwell, Senator, United States Senate (April 12, 2018), https://docs.fcc.gov/public/attachments/DOC-350372A1.pdf.

[34] Oliver Darcy, *Alone at the FCC*, Status (July 13, 2025), https://www.status.news/p/fcc-commissioner-anna -gomez-free-speech.

[35] Niha Masih & Sarah Ellison, *'60 Minutes' Producer Bill Owens Resigns*, Wash. Post (Apr. 23, 2025), https://www.washingtonpost.com/style/2025/04/23/60-minutes-producer-bill-owens-resigns.

stories … in an accurate manner."[36] Thus, every allegation of news distortion requires the Commission to assess for itself what "accurate" coverage of the news event in question would look like and to measure the broadcaster's coverage against that determination.[37] It jeopardizes whatever news is being covered. False reporting of a high school lunch menu would be just as much of a violation as showing fake crowd footage to imply that a political rally drew a large crowd. That means broadcasters cannot minimize their liability just by avoiding controversial issues. Instead, broadcasters are more likely to meaningfully alter their news coverage in ways that align with the current administration's preferred narratives.

C. The policy has been weaponized for partisan purposes.

A third reason for repealing the news distortion policy is its dangerous potential for partisan abuse. Since the dawn of broadcast regulation, Congress has designed regulatory authority so that it "should be as free from political influence or arbitrary control as possible."[38] But content regulation authorities like the news distortion policy can easily be weaponized for partisan purposes.

The current Commission's conduct illustrates this danger. In January 2025, under the prior administration, Commission staff dismissed a news distortion complaint concerning CBS's editing of an election-season interview with then-presidential candidate Kamala Harris. The interview aired on two separate CBS programs, "Face the Nation" and "60 Minutes." Both broadcasts aired footage of the same question, and each program aired different portions of the response. The complaint, filed by the Center for American Rights, alleged that CBS's conduct amounted to

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[36] *Galloway*, 778 F.2d at 20.

[37] Levi, *supra* note 9, at 1111.

[38] S. Rep. No. 69-772, at 2 (1926), https://www.govinfo.gov/content/pkg/SERIALSET-08526_00_00-038-0772-0000/pdf/SERIALSET-08526_00_00-038-0772-0000.pdf.

actionable news distortion. Applying well-settled agency precedent, the Commission dismissed the complaint and made clear that any other disposition would violate the First Amendment and Communications Act's prohibition on censorship.[39] The Commission likewise dismissed a complaint alleging news distortion by ABC in connection with the moderation of a presidential debate.[40] And the staff dismissed a petition to deny the license renewal of a Fox affiliate based in part on allegations that it condoned news distortion of a commonly owned cable channel that disseminated statements about the 2020 election even after a court found them to be false.[41] Just days after assuming office, Chairman Brendan Carr—with no explanation—reopened the news distortion complaints against broadcasters that had allegedly harmed President Trump's interests while leaving undisturbed the dismissal of the Fox petition alleging distortion in Trump's favor.[42]

This pattern has continued throughout the first several months of the second Trump administration. Chairman Carr appeared to threaten a news distortion investigation into other outlets perceived to be antagonistic to Trump, solely because they described Kilmar Ábrego Garcia, the individual at the center of a wrongful-deportation scandal, as a "Maryland man."[43] Chairman Carr publicly described the coverage by "Comcast outlets" as "news distortion,"

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[39] Letter to Daniel R. Suhr (WCBS), (January 16, 2025), https://docs.fcc.gov/public/attachments/DOC-408899A1.pdf.

[40] Letter to Daniel R. Suhr (WPVI), (January 16, 2025), https://docs.fcc.gov/public/attachments/DOC-408880A1.pdf.

[41] Application of Fox Television Stations, LLC For Renewal of License of WTXF-TV, 40 FCC Rcd. 438, 444 and nn. 48-49 (2025).

[42] Public Notice, *FCC Establishes MB Docket No. 25-73 and Comment Cycle for News Distortion Complaint Involving CBS Broadcasting Inc., Licensee of WCBS, New York, NY*, 40 F.C.C. Rcd. 1132 (2025).

[43] Brendan Carr (@BrendanCarrFCC), X (Apr. 16, 2025, 6:58 PM), https://x.com/BrendanCarrFCC/status /1912641900558893377.

suggesting they were not complying with their obligation to operate in the public interest.[44] The Center for American Rights promptly filed a formal news distortion complaint with the Commission, criticizing the outlets' "extreme and evident bias."[45] This example illustrates the extraordinary intrusions on editorial decisionmaking that Chairman Carr apparently understands the news distortion policy to permit. Purporting to apply the policy, Chairman Carr has used the power of the FCC to question the precise words an outlet uses to describe an individual, as well as the outlet's decisions about which facts are relevant enough to include in any particular story. And most recently, Chairman Carr threatened ABC with allegations of news distortion over late-night host Jimmy Kimmel's jokes about the motives of Charlie Kirk's alleged killer. "We can do this the easy way or the hard way," Chairman Carr said.[46] Hours later, ABC suspended Kimmel indefinitely.

D. The policy is overly vague.

A fourth reason for repealing the news distortion policy is the inherent vagueness of the policy. Violations of the policy could place a broadcaster's very license at risk, yet the basic contours of the policy remain entirely unclear. As the National Association of Broadcasters has pointed out, the Commission's news distortion decisions do not even offer a "clear definition of

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[44] *Id.*

[45] George Winslow, *Group Files FCC Complaint Against ABC, NBC and CBS for "News Distortion,"* TV Tech (Apr. 22, 2025), https://www.tvtechnology.com/news/group-files-fcc-complaint-against-abc-nbc-and-cbs-for-news -distortion.

[46] David Folkenflik, *Jimmy Kimmel's Suspension Shows Power of FCC's Brendan Carr*, NPR (Sept. 19, 2025), https://www.npr.org/2025/09/19/nx-s1-5546764/fcc-brendan-carr-kimmel-trump-free-speech.

what programming constitutes 'news'" and can therefore be challenged as allegedly distorted or slanted.[47]

As it developed the fairness doctrine, the Commission sought to clarify the scope of broadcasters' obligations in adjudications and reports.[48] The Commission concluded that the doctrine failed to provide adequate notice to broadcasters.[49] This is even more true of the news distortion policy, where the Commission has made no comparable efforts at clarity. Even if it were to adopt specific and clear standards for news distortion, the policy would remain hopelessly vague. While the Commission's enforcement actions have repeatedly emphasized the policy's exceedingly narrow scope, Chairman Carr's recent decision to reopen complaints that cannot plausibly satisfy the precedents previously articulated in adjudications leaves greater confusion than ever about what exactly the policy proscribes.

E. The policy is unnecessary, particularly in light of the rule against broadcast hoaxes.

Finally, the fact that the news distortion policy provides so little benefit to the public is a persuasive reason to discard it, particularly when weighed against the enormous costs described above. As explained, the Commission repeatedly expressed grave concerns about intruding on the editorial judgment of broadcasters, and it purported to adopt a strict standard for news distortion to ensure the policy did not result in "omnipresent government censorship."[50] Because of that high standard, the Commission found broadcasters liable for news distortion in just *eight* cases between

[47] Comments of National Association of Broadcasters, *supra* note 32, at 18.

[48] *Syracuse Peace Council*, 2 F.C.C. Rcd. at 5046–47.

[49] *Id.* at 5043.

[50] *Mrs. J.R. Paul*, 26 F.C.C.2d at 592.

1969 and 2019.[51] That record at least calls into question whether the policy actually serves the public interest in any meaningful way.

Moreover, the cases in which the Commission did enforce the news distortion policy typically involved the "staging" or outright fabrication of news events (e.g., kidnappings), rather than alleged slanting or bias in the presentation of news.[52] In 1992, the Commission specifically adopted a rule that will often apply in this type of situation.[53] The rule prohibits broadcasters from "broadcasting false information concerning a crime or a catastrophe" if (1) the licensee knows this information is false, (2) it is foreseeable that broadcast of the information will cause substantial public harm, and (3) broadcast of the information does in fact directly cause substantial public harm.[54] All three prongs of the rule must be satisfied for a broadcaster to be subject to liability.

At the time of its adoption, the Commission acknowledged that the rule applies to only a narrow subset of the conduct covered by the news distortion policy: only clear, intentional falsity regarding public safety, not bias or a lack of "balance." The rule gave the agency greater "enforcement flexibility" with respect to that misconduct—i.e., the ability to impose fines in addition to issuing letters of admonition.[55] But the Commission chose not to make the rule apply broadly to all "news distortion." Instead, the Commission explained that it had carefully crafted the rule against hoaxes to survive strict scrutiny and thus avoid "an undue chilling effect on

[51] *See* Raphael *supra* note 20 at 486.

[52] *See* Raphael, *supra* note 20, at 502; *Walton Broadcasting, Inc. (KIKX)*, 78 F.C.C.2d 880, 955–68 (1976).

[53] *See* Amendment of Part 73 Regarding Broadcasting Hoaxes, 7 F.C.C. Rcd. 4106 (1992).

[54] 47 C.F.R. § 73.1217.

[55] Amendment of Part 73 Regarding Broadcast Hoaxes, 7 F.C.C. Rcd. 4106, at *1.

broadcast speech."[56] The hoax rule covers the type of deliberate misconduct that the government can properly regulate, without entangling the Commission in reviewing the editorial decisions that news outlets routinely make in deciding how to present the news. In effect, "the Commission has applied this [hoax] rule narrowly in light of the substantial First Amendment concerns involved with the federal government policing the content of broadcast news."[57]

As explained, the First Amendment bars the Commission from punishing news outlets for providing what the agency considers "slanted" coverage. Thus, the only legitimate interest underlying the news distortion policy is the interest in ensuring that broadcasters do not deliberately fabricate news stories about matters of public safety. That interest is adequately served by the Commission's rule against broadcasting hoaxes.

V. Conclusion

We respectfully request the Commission repeal the news distortion policy not only because it fails to serve the public interest, but also because it disserves the public in many ways. The news distortion policy is no longer justifiable under today's First Amendment doctrine and no longer necessary in today's media environment. Freedom of speech is the linchpin of technological innovation and progress. It encourages greater distribution and consideration of new ideas. In a culture of free speech, more ideas are considered by more people, producing a hypergolic effect on scientific progress—one of the major forces that keeps the free world free. The Commission should repeal the policy in full and recognize that it may not investigate or penalize broadcasters for "distorting," "slanting," or "staging" the news, unless the broadcast at issue independently meets the high standard for broadcasting a dangerous hoax under 47 C.F.R. § 73.1217.

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[56] *Id.* at 3.

[57] Letter to Jessica J. Gonzalez, *supra* note 6, at 3033.

Respectfully submitted,

/s/ Conor S. Gaffney

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Counsel for Petitioners

November 13, 2025

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	Undocketed (filed November 13, 2025)
Repeal of the News Distortion Policy	)	

To: The Commission

NOTICE OF JOINDER

The Radio Television Digital News Association (RTDNA) writes to express its support for, and join in, the November 13, 2026 *Petition for Special Relief* (Petition) filed by Andrew C. Barrett, Rachelle B. Chong, Ervin S. Duggan, Mark S. Fowler, Dennis R. Patrick, Alfred C. Sikes, Thomas E. Wheeler, Christopher J. Wright, Kathryn C. Brown, Jerald N. Fritz, and Peter Pitsch seeking the repeal of the Commission's news distortion policy. Although the Petition was submitted to the full Commission on November 13, 2025, it has yet to be assigned a docket number.

RTDNA is the world's largest professional organization dedicated only to broadcast and digital journalism. RTDNA has over 1,200 members. Our individual members include broadcast journalists, news staff, news directors, and news managers, and our corporate members are broadcasters, large and small, that collectively hold hundreds of radio and television broadcast licenses issued by the Commission. Across the board, RTDNA's members are dedicated to serving the public interest through excellence in journalism and providing accurate, truthful information to the benefit of their local communities.

RTDNA members participate in all phases of the production of the news, and are subject to the Commission's news distortion policy. They therefore have a direct interest in the repeal of

the policy. Specifically, RTDNA's members have experienced a tangible chilling effect given the FCC's pronouncements about current application of the news distortion policy. As part of their obligation to keep the public informed, broadcast newsrooms exercise editorial discretion and make ethical judgments at every step of the journalistic process, including story selection, newsgathering, production, presentation and delivery. Moreover, in broadcast journalism, editing in accordance with the unique needs of the platform is key to developing a final product from elements provided by news reporters and producers: narration track, soundbites, video, graphics, b-roll, and more. Fear of the FCC second-guessing their routine decision making has our members looking over their shoulders. RTDNA members have modified coverage, reassigned reporters, modified hiring decisions, adjusted coverage plans, and been subjected to increased editorial oversight. This compromises their ability to perform their jobs responsibly and threatens journalistic independence. Absent journalistic independence, corruption and misinformation flourish.

For the reasons discussed more fully in the petition, the Commission should immediately repeal its news distortion policy. RTNDA's members face continuing injury to their First Amendment rights due to the news distortion policy. The ongoing pattern of threats from the Commission and the Chair to abuse the policy continues to chill RTDNA's members. As discussed in the Petition, the news distortion policy is impermissible under contemporary First Amendment law. It has been weaponized for partisan political purposes. It is overly vague. And it serves no critical regulatory purpose, as evidenced by the Commission's sparing use of the policy until January 2025.

For these reasons, more fully discussed in the Petition, the Commission should immediately repeal the news distortion policy.

Respectfully submitted,

/s/ Tara Puckey
Tara Puckey
President and CEO
Radio Television Digital News Association
529 14th St. NW, Ste. 1240
Washington, DC 20045

April 20, 2026

No. 26-____

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

In re Radio Television Digital News Association, Rachelle B. Chong, Ervin S. Duggan, Mark S. Fowler, Alfred C. Sikes, Thomas E. Wheeler, Christopher J. Wright, Kathryn C. Brown, Jerald N. Fritz, *Petitioners*.

DECLARATION OF RUTH MILKMAN

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I, Ruth Milkman, declare as follows:

1. I was the Chief of Staff of the Federal Communications Commission (FCC) from November 2013 until January 2017. In that capacity, I reported directly to the Chairman of the FCC, and all of the Bureau and Office Chiefs reported to me. Under the direction of the Chairman (then Chairman Tom Wheeler), I oversaw the policy and licensing work of the FCC Bureaus, including the allocation of resources and the development of draft decisions for Commission consideration, in furtherance of the Chairman's agenda. Prior to my role as Chief of Staff, I had been the Chief of the Wireless Telecommunications Bureau and Special Counsel to the previous Chairman, Julius Genachowski, from June 2009 to November 2013. In a prior stint at the Commission, from 1986 to 1998, I served in various roles, including Senior Legal Advisor to Chairman Reed Hundt, as well as Deputy Bureau Chief in the Common Carrier and International Bureaus.[1]

2. I retired on December 31, 2025, after 40 years of work on telecommunications law and policy. From 2017 until my retirement, I was a partner in Quadra Partners, LLC, a strategic advisory firm that serves clients in the converging communications technology industries. From 1998 to 2009, I was a co-founding partner of Lawler, Metzger, Milkman and Keeney, a telecommunications law firm. I received a B.A. from Harvard University and a J.D. from the University of Michigan Law School. I served as a clerk for the Honorable J. Harvie Wilkinson III on the U.S. Court of Appeals for the Fourth Circuit.

3. In this declaration, I explain that under the statute and as a matter of longstanding practice under both Democratic and Republican administrations, the Chairman of the FCC controls the agenda. The Commissioners do not vote on anything unless the vote has been authorized

[1] There have been periodic reorganizations at the FCC, and those bureaus have been renamed. The Common Carrier Bureau was the predecessor of the Wireline Competition Bureau, and the International Bureau was the predecessor of the Space Bureau.

by the Chairman, and the Bureaus and Offices of the FCC undertake work at the direction of the Chairman.

4. Under 47 U.S.C. § 154(a), the FCC is "composed of five commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman."

5. 47 U.S.C. § 155(a) provides in pertinent part that: "The member of the Commission designated by the President as chairman shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the Commission, . . . and generally to coordinate and organize the work of the Commission in such manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission."

6. The Commission's rules set forth procedures for administration of functions such as adjudication of complaints and license applications, and for rulemakings. When there is no specific provision governing a particular form of relief, parties may file petitions for special relief.

7. As a matter of law and in practice, as Chief Executive Officer, the FCC Chairman controls the agency's resources, including the direction of budgeted monies and staff. In furtherance of the Chairman's agenda, he directs the allocation of resources to his priorities, and also directs the policy outcomes. Thus, the Chairman determines whether and when matters are presented to the full Commission for action, be they appeals from Bureau decisions or matters brought directly to the full Commission. There is no mechanism either in the rules, or as a matter of longstanding practice, for other Commissioners to bring a matter to the full Commission for consideration, unless they have the agreement of the Chairman. The Chairman selects the office heads and bureau chiefs and controls the outcome of staff actions on delegated authority. Draft decisions are written under the supervision of the Chairman and are presented to the other Commissioners with a proposed outcome.

8. I am familiar with the November 13, 2025 Petition for Special Relief filed by a group of former FCC Chairmen, Commissioners and Chiefs of Staff. Because the petition calls for overruling an agency policy that was adopted by the full Commission, the FCC staff cannot act on the petition under delegated authority. The Chairman has exclusive control over whether and when any decision granting or denying the Petition for Special Relief is presented to the full Commission for resolution.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day April 23, 2026 in Arlington, Virginia



Ruth Milkman

No. 26-____

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

In re Radio Television Digital News Association, Rachelle B. Chong, Ervin S. Duggan, Mark S. Fowler, Alfred C. Sikes, Thomas E. Wheeler, Christopher J. Wright, Kathryn C. Brown, Jerald N. Fritz, *Petitioners*.

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Counsel for Petitioners

I, Caitlin Childs, declare as follows:

1. I am a paralegal and impact associate at the Protect Democracy Project, a non-profit organization representing the Petitioners in the above-captioned matter. I submit this declaration in support of Petitioners' Petition for a Writ of Mandamus to the Federal Communications Commission. The facts stated herein are based on my personal review of the following, true and correct copies of which are attached hereto.

2. On January 22, 2025, Ted Johnson published an article in Deadline, titled *New FCC Chair Revives Complaints About ABC, CBS And NBC Content That His Predecessor Rejected As "At Odds With The First Amendment."* A true and correct copy is attached as Exhibit 1 and available at: https://perma.cc/L7NP-WM4Z.

3. On April 16, 2025, Brendan Carr posted on X. A true and correct copy is attached as Exhibit 2 and available at: https://perma.cc/Z2VG-XUSR.

4. On April 23, 2025, Niha Masig and Sarah Ellison published an article in The Washington Post, titled *60 Minutes' Producer Bill Owens Resigns, Citing Loss of Journalistic Freedom*. A true and correct copy is attached as Exhibit 3 and available at: https://perma.cc/8LLS-KJ3H.

5. On August 4, 2025, Institute for Mergers, Acquisitions and Alliances published a blog post titled *M&A in the Spotlight: Skydance, Paramount and the Politics of Media Power*. A true and correct copy is attached as Exhibit 4 and available at: https://perma.cc/GT8T-UML9.

6. On July 22, 2025, Stephanie Kyoko McKinnon, General Counsel and Co-President of Business Operations at Skydance Media, sent a letter to Chairman Brendan Carr, which was docketed in Media Bureau proceeding 24-275. A true and correct copy is attached as Exhibit 5 and available at: https://www.fcc.gov/ecfs/document/1072299913934/2.

7. On July 24, 2026, the Office of Chairman Brendan Carr issued a press release titled *FCC Approves Skydance's Acquisition of Paramount CBS*. A true and correct copy is attached as Exhibit 6 and available at: https://docs.fcc.gov/public/attachments/DOC-413229A1.pdf.

8. On March 14, 2026, Brendan Carr posted on X. A true and correct copy is attached as Exhibit 7 and available at: https://perma.cc/4E56-AAQH.

9. On November 13, 2025, Brendan Carr posted on X in response to an NBC news article about the News Distortion Petition. A true and correct copy is attached as Exhibit 8 and available at: https://perma.cc/2Q79-MF7U.

10. On November 14, 2025, Brendan Carr posted on X in response to a Washington Post news article about the News Distortion Petition. A true and correct copy is attached at Exhibit 9 and available at: https://perma.cc/763T-JJEQ.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day April 27, 2026 in Atlanta, Georgia.



Caitlin Childs

EXHIBIT 1

DEADLINE

PRINT

New FCC Chair Revives Complaints About ABC, CBS And NBC Content That His Predecessor Rejected As "At Odds With The First Amendment"



By Ted Johnson
January 22, 2025 1:48pm



Brendan Carr
Photo by Alex Wong/Getty Images

Brendan Carr, newly installed as chairman of the FCC under the new Trump administration, is reviving a trio of complaints aimed at NBC, ABC and CBS content, ones that his predecessor dismissed for being "at odds with the First Amendment."

The revived complaints come from the conservative Center for American Rights and generally align with Trump's gripes about media coverage during the 2024 presidential campaign.

The complaints include one against ABC's Philadelphia affiliate, WPVI-TV, alleging bias in ABC's hosting of the September presidential debate; one against WCBS-TV in New York that accuses CBS of "news distortion" in the way that *60 Minutes* edited an interview with Kamala Harris; and another against WNBC-TV in New York for alleged violations of the equal time rule when *Saturday Night Live* featured Harris in a cameo the weekend before the presidential election.

Just last week, before she resigned, FCC chairwoman Jessica Rosenworcel, appointed by President Joe Biden, dismissed the three complaints, as well as another one filed by the Media and Democracy Project, which challenged the license of Fox-owned WTXF-TV in Philadelphia. That complaint alleged

that the revelations from the Dominion Voting System defamation case against Fox News showed that Rupert and Lachlan Murdoch lacked the "character" to hold a broadcast license.

Carr's order, however, does not revive the Fox complaint.

In restoring the complaints today, the FCC said that the dismissals were "issued prematurely" and "based on an insufficient investigatory record for the station-specific conduct at issue." The agency said that the complaints require "further consideration."

In her statement last week dismissing the complaints, Rosenworcel said, "The facts and legal circumstances in each of these cases are different. But what they share is that they seek to weaponize the licensing authority of the FCC in a way that is fundamentally at odds with the First Amendment. To do so would set a dangerous precedent." She also warned that the agency "should not be the president's speech police."

When he took office on Monday, Trump signed an executive order on "restoring freedom of speech and ending federal censorship." Among other things, it says that "no taxpayer resources are used to engage in or facilitate any conduct that would unconstitutionally abridge the free speech of any American citizen." The order, though, calls out the Biden administration for "exerting substantial coercive pressure" on social media companies over their content moderation practices.

But as recently as earlier this month, Trump has threatened major media companies over content that he does not like. He warned that Comcast should "pay a big price," as he was irate over something said by NBC's late night host Seth Meyers.

Newsmax first reported on the restored complaints.

During the presidential campaign, Trump sued CBS for $10 billion over the way that *60 Minutes* edited the Harris interview, under Texas' Deceptive Trade Practices Act, a novel application of a law typically directed at false advertising claims. A federal judge in Texas, where the lawsuit was filed, has given Trump until Jan. 24 to respond to CBS' motion to dismiss the case. CBS' attorneys wrote in a filing last month that Trump's "attempts to punish" the network "for their editorial judgments is barred by the First Amendment."

The Center for American Rights also has called for FCC conditions over news coverage to be placed on the pending Skydance-Paramount merger, and Carr has suggested that their *60 Minutes* complaint would be "likely to arise" as the FCC reviews the transaction. The Wall Street Journal reported last week that Paramount Global has had internal discussions about settling the *60 Minutes* lawsuit as one of the options as it tries to secure approval. *60 Minutes* has called claims that it deceitfully edited the Harris interview "false," with a CBS News attorney denying that the network was being deceitful and instead had to truncate the segment for time.

The Center for American Rights and Carr have pointed to the FCC's "news distortion" policy, in which broadcast stations are subject to enforcement only "if it can be proven that they have deliberately distorted a factual news report." But the FCC has not attempted to enforce the policy in decades, per Andrew Jay Schwartzman, senior counselor at the Benton Institute for Broadband and Society.

In a response filed earlier this month, attorneys for Skydance and Paramount Global wrote that news coverage conditions would be "blatantly unconstitutional." They wrote that they were "foreclosed by the First Amendment and unequivocal Supreme Court precedent. All of the Center's complaints about news coverage, debate moderation, and editing of interviews fall squarely within CBS's "editorial discretion in the selection and presentation" of content protected by the First Amendment."

Anna Gomez, one of two Democrats on the commission, said in a statement of the complaints, "The First Amendment is a pillar of American democracy, and our country needs a press free from interference from regulators like me. In fact, the Communications Act explicitly prohibits the

Commission from censoring broadcasters. We must respect the protections of the First Amendment and the restrictions in the Communications Act."

The ABC complaint is over the way that the network handled the September presidential debate against Trump and Harris. Trump had called for ABC to lose its license after he complained of fact-checking done during the debate by the moderators, David Muir and Linsey Davis.

The NBC complaint had to do with the FCC's equal time rule, which requires stations to give candidates equal airtime on non-news programming if requested. The day after the SNL appearance, Trump was given time during NASCAR and NFL coverage. But Carr suggested that, given that Harris was given a cameo so close to the election, other candidates did not have an opportunity to request the time.

This article was printed from https://deadline.com/2025/01/fcc-complaints-trump-cbs-nbc-abc-1236263995/

PMC

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EXHIBIT 2

← Post

Brendan Carr
@BrendanCarrFCC

Comcast outlets spent days misleading the American public—implying that Abrego Garcia was merely a law abiding U.S. citizen, just a regular "Maryland man."

When the truth comes out, they ignore it.

Comcast knows that federal law requires its licensed operations to serve the public interest. News distortion doesn't cut it.

Abrego Garcia came to America illegally from El Salvador, was validated as a member of the violent MS13 gang—a transnational criminal organization—and was denied bond by an immigration court for failure to show he would not pose a danger to others.

Why does Comcast ignore these facts of obvious public interest?

> **Steven Cheung** @StevenCheung47 · Apr 16, 2025
> SHAMEFUL that @CNN and @MSNBC refuses to take Angel Mom Patty Morin as she recounts the terrible tragedy of how an illegal killed her sweet daughter, Rachel.



6:58 PM · Apr 16, 2025 · **1M** Views

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Relevant people

Brendan Carr
@BrendanCarrFCC
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EXHIBIT 3

'60 Minutes' chief producer resigns, citing loss of journalistic freedom

Bill Owens departs as the show faces continued pressure from President Donald Trump, who sued the network for $20 billion over its interview with Kamala Harris.

Sarah Ellison April 23, 2025More than 1 year ago



Bill Owens, the longtime executive producer of the storied CBS News show "60 Minutes," stepped aside Tuesday over what he described as a loss of freedom to make independent decisions.

Owens, who spent 24 years at the show described by CBS as "America's most important news program," wrote in a memo to "60 Minutes" staff, a copy of which was obtained by The Washington Post: "Over the past months, it has also become clear that I would not be allowed to run the show as I have always run it. To make independent decisions based on what was right for 60 Minutes, right for the audience."

In an emotional note, he announced he would step aside "so the show can move forward," adding that "60 Minutes" has been "my life."

Wendy McMahon, the president of CBS News and Stations, in a newsroom memo obtained by The Post, praised Owens for being a champion of journalism that "informs, enlightens, and often changes the national conversation."

His departure comes as the show battles ongoing attacks from President Donald Trump, who has sued the network for $20 billion. At the center of the legal battle is a segment from an interview with Kamala Harris that aired in the final weeks of the 2024 presidential campaign, which Trump and his allies allege was deceptively edited to help the Democratic nominee. The Federal Communications Commission had initially rejected a separate complaint on the issue from the conservative law firm Center for American Rights, which has been revived by the new FCC chairman, Brendan Carr.

CBS released the transcripts and internal video footage in February, maintaining that it edited and presented the interview in line with industry standards and did not engage in "deceitful editing."

The New York Times reported this year that Paramount, CBS's parent company, is in early discussions about a possible settlement with Trump.

Last week, the president once again took aim at the show over reporting on

Ukraine and Greenland, and said the network should lose its license. "CBS is out of control, at levels never seen before, and they should pay a big price for this," he wrote on Truth Social.

The show has also faced internal scrutiny recently. Paramount owner Shari Redstone objected to a "60 Minutes" segment to a CBS executive, and soon after, Susan Zirinsky, the former president of CBS News, was placed in a role overseeing Owens, according to a person familiar with the events who spoke on the condition of anonymity because they were not authorized to speak about internal matters. Owens chafed at that, the person added.

Paramount Global is seeking a merger with Skydance Media and is awaiting approval from the FCC. As the proposed deal has stalled, CBS staff members are increasingly worried that Redstone will do whatever it takes to get it to go through, said two people familiar with the events who also were not authorized to speak about internal matters.

"60 Minutes" premiered in 1968 and is known for its in-depth investigations, incisive profiles and interviews with global newsmakers. The show has won 25 Peabody swards and multiple news and documentary Emmys.

In his memo to staffers, Owens said "60 Minutes" will continue to cover the new administration, report from war zones and investigate injustices. "In short, 60 Minutes will do what it has done for 57 years," he wrote.

EXHIBIT 4

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Blog

M&A in the Spotlight: Skydance, Paramount and the Politics of Media Power

August 4, 2025 *IMAA*



When the $8 billion Skydance-Paramount deal closes on August 7, it won't just be another media merger. The transaction exposes three fundamental changes hitting the entertainment industry: regulators now demand political loyalty for deal approval, streaming services are abandoning the direct-to-consumer dream for wholesale bundling, and private equity turnaround models have become the only viable rescue option for dying legacy media companies.

For dea structur industry

Deal Architecture: A Masterclass in Asymmetric Control

The Skydance-Paramount structure demonstrates sophisticated financial engineering designed to maximize control while minimizing cash outlay. The transaction unfolds across two phases: first, David Ellison's investor group acquires Shari Redstone's National Amusements for $2.4 billion, securing 77.4% voting control despite holding less than 10% economic stake. Second, an all-stock merger values Skydance at $4.75 billion while injecting $1.5 billion in fresh capital and providing $4.5 billion in shareholder liquidity.

This dual-phase approach mirrors strategies increasingly common in distressed situations where controlling stakes trade at significant discounts to enterprise value. The structure preserves Paramount's public listing—critical for maintaining debt capital market access—while delivering Ellison family control at a fraction of what an outright acquisition would cost. For corporate development teams evaluating similar opportunities, the precedent shows how creative structuring can unlock value in complex ownership situations involving dual-class shares and legacy family control.

The financing mix tells an equally compelling story. With Paramount carrying $14.6 billion in debt and Moody's placing the rating on downgrade watch, the deal essentially represents a private equity-style rescue financing. RedBird Capital's participation signals sophisticated investors' appetite for distressed legacy media assets when paired with operational expertise and cost-cutting discipline. The target of $2 billion in annual synergies—identified with Bain & Company's assistance—represents roughly 15% of combined revenues, an aggressive but achievable benchmark for media consolidation.

Regulatory Capture and the New Approval Playbook

The FCC's conditional approval breaks new ground in regulatory overreach, conditioning the merger on two unprecedented commitments: eliminating DEI initiatives at both companies and appointing a CBS ombudsman to investigate "bias" for at least two years. These mandates, pushed through on a 2-1 Republican vote, represent a fundamental shift from content-neutral licensing review to explicit editorial control.

The political backdrop cannot be ignored. Paramount's $16 million settlement of Donald Trump's 60 Minutes lawsuit preceded the FCC vote by mere weeks, with Trump subsequently claiming an additional $20 million worth of advertising commitments from the merged entity. This sequence illustrates how regulatory approval increasingly depends on political accommodation rather than traditional antitrust or public interest analysis.

For dealmakers, the implications extend well beyond media. The precedent signals that industries requiring regulatory approval—telecommunications, energy, transportation—may face similar political litmus tests. T-Mobile, Verizon, and Disney have already begun curtailing diversity programs in anticipation of regulatory scrutiny. The lesson is clear: political risk assessment must now incorporate ideological alignment with the regulatory environment, fundamentally altering how companies approach government relations and stakeholder management.

Strategic Rationale: Beyond Financial Engineering

Strip away the political theater, and the Skydance-Paramount combination addresses genuine strategic imperatives. Paramount's linear television assets continue generating cash flow but face secular decline, while Paramount+ achieved 77.5 million subscribers but lost $497 million in 2024. The platform needs scale, cost discipline, and differentiated content to reach profitability—precisely what the Skydance combination promises to deliver.

Ellison's vision of a "world-class media and technology enterprise" leverages his family's Oracle connection for cloud infrastructure and AI-driven content workflows. While ambitious, this tech-enabled approach reflects industry-wide recognition that traditional media companies must transform their operating models to compete with digital natives. The integration of Skydance's existing franchise relationships—Top Gun, Mission: Impossible, Transformers—simplifies profit participation structures and accelerates sequel development, addressing one of Hollywood's most persistent inefficiencies.

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The streaming strategy particularly merits attention. Rather than pursuing the standalone direct-to-consumer model that has burned billions across the industry, New Paramount appears positioned to embrace bundling and wholesale distribution. The company's partnerships with Walmart+, Verizon, and Amazon Channels reflect broader industry migration toward aggregated platforms where consumers access multiple services through single interfaces. AlixPartners projects 60-70% of streaming subscriptions will be purchased via bundles by 2026, making early positioning critical for long-term viability.

Market Implications: Consolidation Accelerates

The Skydance-Paramount approval opens floodgates for media consolidation that has been building for years. With Trump-era deregulatory policies taking effect, analysts project double-digit percentage growth in entertainment M&A activity. Lionsgate, AMC Networks, and Roku top the target list, while private equity firms circle distressed traditional broadcasters trading at significant discounts to their content library values.

The transaction validates several emerging trends. First, the combination of operational expertise with distressed legacy assets can create significant value through cost rationalization and strategic refocusing. Second, vertical integration between content production and distribution remains attractive despite previous regulatory skepticism. Third, family-controlled media empires built during the broadcast era lack the capital and expertise necessary for streaming competition, creating ongoing divestment opportunities.

For the streaming wars specifically, the deal reshuffles competitive dynamics. New Paramount ranks fourth by enterprise value behind Netflix, Disney, and Warner Bros. Discovery, but its combined content library and distribution relationships provide meaningful bargaining power with advertisers and international platforms. The company's sports rights portfolio—NFL and NCAA through CBS—becomes increasingly valuable as live programming drives subscriber acquisition and retention.

Cost Synergies and the Bain Playbook

The $2 billion annual cost target deserves scrutiny given Paramount's history of failed restructuring attempts. Bain's involvement suggests a systematic approach focusing on overlapping functions, real estate rationalization, and technology consolidation. With approximately 18,600 global employees, the company has already executed 15% layoffs in 2024 and another 3.5% in early 2025, but deeper reductions appear inevitable.

The synergy realization timeline—half in year one, full run-rate within 24 months—aligns with private equity best practices for operational improvement. Key areas likely include consolidating production facilities, eliminating duplicate corporate functions, renegotiating supplier contracts, and optimizing the linear television footprint through channel disposals or affiliate fee reductions. The challenge lies in execution without undermining content quality or talent retention, particularly given the DEI rollback's potential impact on creative pipeline development.

Real estate rationalization presents immediate opportunities. Paramount's sprawling studio lots and office complexes represent significant fixed costs that can be optimized through sale-leaseback arrangements or outright disposals. The company's international footprint also offers consolidation potential, particularly in markets where local production requirements have diminished.

Risk Factors and Execution Challenges

Several risks threaten the deal's success beyond typical integration challenges. Cultural integration poses particular concerns given the DEI mandate's potential impact on talent retention and creative output. Hollywood's workforce skews liberal, and prominent departures could undermine content quality and brand positioning with younger demographics who increasingly value corporate social responsibility.

Credit markets present another challenge. Paramount's debt burden requires deleveraging from 4.3x to 2.4x net debt-to-EBITDA by 2026 to achieve investment-grade status. This target assumes successful synergy realization and stable cash flow generation from declining linear assets—both significant execution risks. Moody's warning that the merger "may not stabilize the credit profile" reflects these concerns and suggests potential downgrades if operational improvements disappoint.

The streaming profitability timeline also remains uncertain. Paramount+ faces intensifying competition from Netflix, Disney+, and emerging players while content costs continue rising. The platform's path to domestic profitability by 2025 depends on subscriber growth, reduced churn, and improved advertising revenues—all challenging in an increasingly saturated market.

Broader Implications for M&A Practice

The Skydance-Paramount transaction establishes several precedents relevant across industries. The dual-phase structure offers a template for acquiring control of complex, multi-stakeholder organizations while preserving public market access. The political risk dimension highlights how regulatory approval increasingly depends on ideological alignment rather than traditional competition analysis.

For corporate development professionals, the deal underscores the importance of thorough political risk assessment in transaction planning. Companies pursuing deals requiring regulatory approval must now consider not just economic merits but political positioning and stakeholder alignment with prevailing regulatory philosophy. This adds complexity to due diligence processes and may favor larger, more politically connected acquirers.

The cost synergy targets also reflect industry-wide pressure for operational efficiency as growth-driven strategies prove insufficient for achieving profitability. The Bain playbook—systematic function-by-function analysis, aggressive timeline targets, and data-driven decision making—likely becomes the standard approach for turnaround situations across media and other declining industries.

Looking Forward: Scenarios and Strategic Responses

Three scenarios emerge for New Paramount's trajectory through 2028. The base case (55% probability) assumes successful integration, 20% EBITDA improvement, and domestic streaming profitability, setting

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a template for private equity-backed media turnarounds. The bull case (20% probability) envisions Oracle cloud partnerships and AI efficiencies driving faster margin expansion and subscriber growth to 110 million globally. The bear case (25% probability) involves advertising recession, accelerated cord-cutting, and talent flight from DEI rollbacks, potentially triggering asset fire-sales and domino downgrades across the sector.

For industry participants, the deal's completion signals fundamental shifts requiring strategic adaptation. Content creators must evaluate the benefits of scale versus independence, while distributors face pressure to develop bundling partnerships and wholesale relationships. Investors should reassess media valuations given the new regulatory environment and consolidation momentum, while talent agencies must navigate changing studio dynamics and political considerations affecting content development.

The Skydance-Paramount merger ultimately represents more than media consolidation—it embodies the convergence of financial engineering, political influence, and operational discipline necessary for legacy industry transformation. Success would validate the hybrid model of private equity rigor and Silicon Valley innovation applied to traditional content assets. Failure could accelerate the sector's march toward further consolidation under cash-rich technology companies or fragmentation into specialized content creators. Either way, the deal establishes a new playbook for navigating regulatory capture, executing complex turnarounds, and competing in the attention economy's next phase.

The transaction's broader implications extend well beyond Hollywood, offering insights into how political polarization reshapes business strategy, regulatory approval processes, and stakeholder capitalism. For dealmakers across industries, the lessons are clear: political risk assessment is now central to transaction planning, operational improvement drives value creation in declining sectors, and successful integration requires balancing efficiency gains with talent retention and brand positioning. The Skydance-Paramount deal may be entertainment industry-specific, but its strategic and regulatory precedents will influence M&A practice across the economy for years to come.

The Skydance-Paramount merger is reshaping Hollywood and setting the pace for how deals will get done in the new media landscape. Our latest blog goes beyond the

headlines to explain why this transaction matters for anyone watching business, politics, or the future of streaming.

- **The rise of political approval as the new test for major mergers**
- **Why streaming platforms are switching to bundles and wholesale partnerships**
- **The real story behind private equity's role in rescuing legacy media**
- **What this means for the next wave of industry consolidation and dealmaking**

TAGS:

Dive in for a clear-eyed take on what's changing in media, and why every strategist

I

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EXHIBIT 5

SKYDANCE

July 22, 2025

VIA ECFS

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: MB Docket No. 24-275

Dear Chairman Carr:

On behalf of Skydance Media (Skydance), in connection with our pending applications seeking approval for the transfer of control of Paramount Global (Paramount), I write to address concerns about media bias that have been raised in the record of this proceeding.[1]

As Skydance has made clear in the record, we "recognize the importance of unbiased journalism and are fully committed to presenting a diverse array of viewpoints on television."[2] We further reaffirm that, after consummation of the proposed transaction, New Paramount's new management will ensure that the company's array of news and entertainment programming embodies a diversity of viewpoints across the political and ideological spectrum, consistent with the varying perspectives of the viewing audience. Skydance recognizes that, as a broadcast licensee, it will be charged with operating in the public interest, and the company intends to undertake a comprehensive review of CBS and to make any necessary changes to ensure compliance with that standard. In all respects, Skydance will ensure that CBS's reporting is fair, unbiased, and fact-based.

Moreover, Skydance reaffirms its commitment to localism as a core component of the public interest standard. Indeed, the CBS affiliate network's over 200 local broadcast stations provide service throughout the country and are a trusted voice in local markets big and small. The value

---

[1] *See, e.g.*, Petition To Condition Grant by the Center for American Rights, *In the Matter of Skydance Media and Paramount Global*, MB Docket No. 24-275, at 8 (filed Dec. 16, 2024) ("CAR Petition")(calling on the Commission "to press the owners of New Paramount to commit to viewpoint diversity").

[2] Consolidated Opposition to Petitions and Response to Comments, *In the Matter of Skydance Media and Paramount Global*, MB Docket No. 24-275, at 9 (Jan. 2, 2025).

of these stations in their local communities cannot be overstated, and Skydance will work closely with its affiliated broadcast stations to ensure a productive partnership, including by considering technological improvements, investments in local news resources, and other measures that bolster local broadcasting.

To promote transparency and increased accountability, Skydance also will commit, for a period of at least two years, to have in place an ombudsman who reports to the President of New Paramount, who will receive and evaluate any complaints of bias or other concerns involving CBS. New Paramount's executive leadership will carefully consider any such complaints in overseeing CBS's news programming. In evaluating Comcast's acquisition of NBCUniversal, the Commission found such a mechanism effective in preventing editorial bias in the operation of the NBC broadcast network.[3]

Skydance believes that its acquisition of Paramount will generate significant efficiencies and have a substantial positive impact on the future of broadcasting. We submit that these voluntary commitments should provide comfort that New Paramount will operate the CBS Network in a manner consistent with the public interest.

Respectfully submitted,



Stephanie Kyoko McKinnon
General Counsel and Co-President of Business Operations

[3] *Applications of Comcast Corporation General Electric Company and NBC Universal, Inc.*, Memorandum Opinion and Order, 26 FCC Rcd 4238, ¶ 207 (2011). Any complaints and broader concerns regarding news distortion should be addressed in separate proceedings, and not in connection with this transaction. *See, e.g., FCC Establishes MB Docket No. 25-73 and Comment Cycle for News Distortion Complaint Involving CBS Broadcasting Inc., Licensee of WCBS, New York, NY*, Public Notice, DA 25-107 (Feb. 5, 2025 MB).

EXHIBIT 6

OFFICE OF CHAIRMAN BRENDAN CARR

FCC Approves Skydance's Acquisition of Paramount CBS

Skydance Commits to Viewpoint Diversity, Nondiscrimination, and Enhanced Localism at CBS

WASHINGTON, July 24, 2025—Today, the FCC approved Skydance's $8 billion acquisition of Paramount Global and its subsidiaries, including the ultimate parent company of the CBS network of owned and operated broadcast television stations, by granting a series of applications that transfer FCC licenses and authorizations.

Chairman Carr issued the following statement:

"Americans no longer trust the legacy national news media to report fully, accurately, and fairly. It is time for a change. That is why I welcome Skydance's commitment to make significant changes at the once storied CBS broadcast network. In particular, Skydance has made written commitments to ensure that the new company's programming embodies a diversity of viewpoints from across the political and ideological spectrum. Skydance will also adopt measures that can root out the bias that has undermined trust in the national news media. These commitments, if implemented, would enable CBS to operate in the public interest and focus on fair, unbiased, and fact-based coverage. Doing so would begin the process of earning back Americans' trust. Today's decision also marks another step forward in the FCC's efforts to eliminate invidious forms of DEI discrimination. And Skydance's commitment to enhancing local news and reporting—coverage valued by the public—will also inure to the benefit of the American people."

Commitment to Unbiased Journalism. Skydance has made written commitments to ensuring that the new company's array of news and entertainment programming will embody a diversity of viewpoints across the political and ideological spectrum and that CBS's reporting will be fair, unbiased, and fact-based. To promote transparency and increased accountability, Skydance commits, for a period of at least two years, to have in place an ombudsman who will report to the President of New Paramount and evaluate complaints of bias.

Ensures that Discriminatory DEI Policies End. Skydance, which has no DEI programs in place today, has committed that it will not establish any such initiatives at the new company and confirms that New Paramount will also be committed to equal opportunity employment and nondiscrimination. This will ensure that the combined business will enact policies and practices consistent with the law and the public interest.

Injection of New Capital and Enhanced Local News. Approving this transaction will unleash the investment of $1.5 billion into Paramount, bolstering all aspects of its operations, including broadcast. Skydance also reaffirms its commitment to localism as a core component of the public interest standard, and emphasizes that it will work closely with its affiliated broadcast stations to ensure a productive partnership that will strengthen its affiliates' ability to serve their local communities.

###

Media Contact: MediaRelations@fcc.gov / (202) 418-0500
@FCC / www.fcc.gov

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

EXHIBIT 7

← Post

Brendan Carr
@BrendanCarrFCC

Broadcasters that are running hoaxes and news distortions - also known as the fake news - have a chance now to correct course before their license renewals come up.

The law is clear. Broadcasters must operate in the public interest, and they will lose their licenses if they do not.

And frankly, changing course is in their own business interests since trust in legacy media has now fallen to an all time low of just 9% and are ratings disasters.

The American people have subsidized broadcasters to the tune of billions of dollars by providing free access to the nation's airwaves.

It is very important to bring trust back into media, which has earned itself the label of fake news.

When a political candidate is able to win a landslide election victory after in the face of hoaxes and distortions, there is something very wrong. It means the public has lost faith and confidence in the media. And we can't allow that to happen.

Time for change!

> **Rapid Response 47** @RapidResponse47 · Mar 14
>
> **Donald J. Trump**
> @realDonaldTrump
>
> Yet again, an intentionally misleading headline by the Fake News Media about the five tanker planes that were supposedly struck down at an Airport in Saudi Arabia, and of no further use. In actuality, the Base was hit a few days ago, but the planes were not "struck" or "destroyed." Four of the five had virtually no damage, and are already back in service. One had slightly more damage, but will be in the air shortly. None were destroyed, or close to that, as the Fake News said in headlines. The New York Times and The Wall Street Journal (in particular), and other Lowlife "Papers" and Media actually want us to lose the War. Their terrible reporting is the exact opposite of the actual facts! They are truly sick and demented people that have no idea the damage they cause the United States of America. Fortunately, as proven by our Great and Conclusive Election Win in 2024, the People of our Country understand what is happening far better than the Fake News Media! President DONALD J. TRUMP

12:24 PM · Mar 14, 2026 · **9.6M** Views

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@BrendanCarrFCC
Chairman, Federal Communi Commission.

Rapid Response ...
@RapidResponse47
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EXHIBIT 8

← Post



Brendan Carr
@BrendanCarrFCC

How about no

On my watch, the FCC will continue to hold broadcasters accountable to their public interest obligations.

And it is quite rich for the exact same people that pressured prior FCCs to censor conservatives *through the news distortion policy* to now object to the agency's even-handed application of the law.

> **NBC News** @NBCNews · Nov 13, 2025
> A bipartisan group of former FCC leaders petitions the agency to repeal the policy the Trump administration invoked in discussions surrounding Jimmy Kimmel at ABC and in the investigation of "60 Minutes" at CBS.
> nbcnews.com/tech/tech-news...

2:36 PM · Nov 13, 2025 · **153.3K** Views

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@BrendanCarrFCC
Chairman, Federal Communi Commission.

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@NBCNews
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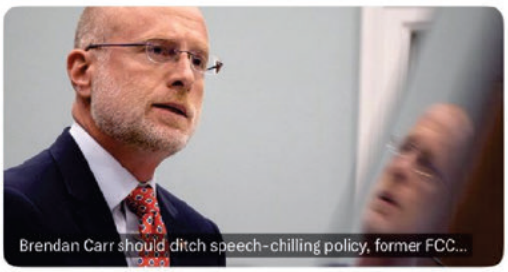
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EXHIBIT 9

Post

Brendan Carr
@BrendanCarrFCC

👎

> **The Washington Post** X.com
> @washingtonpost
>
> Seven former members of the FCC are petitioning the agency to repeal its policy prohibiting broadcasters from distorting the news, arguing that FCC Chairman Brendan Carr has improperly wielded it to counter material critical of President Trump.
>
> 
>
>
> From washingtonpost.com
>
> 2:30 PM · 11/13/25 · **32K** Views

2:12 PM · Nov 14, 2025 · **26.8K** Views

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Chairman, Federal Communi Commission.

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-1099 **September Term, 2025**

Filed On: May 20, 2026

In re: Radio Television Digital News Association, et al.,

Petitioners

BEFORE: Henderson, Pillard, and Rao, Circuit Judges

O R D E R

Upon consideration of the petition for a writ of mandamus, it is

ORDERED, on the court's own motion, that the Federal Communications Commission file a response to the mandamus petition, not to exceed 7,800 words, within 30 days of the date of this order. See D.C. Cir. Rule 21(a). Petitioner may file a reply, not to exceed 3,900 words, within 14 days of the filing of the response.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Selena R. Gancasz
Deputy Clerk

Kristi Thompson

From: Adam Jackman
Sent: Monday, June 22, 2026 2:24 PM
To: Allison Howell
Subject: FW: URL links to media proceedings public has been interested in

(b) (5) [redacted]

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Adam Jackman
Sent: Monday, June 1, 2026 11:43 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: URL links to media proceedings public has been interested in

https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-124

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Monday, June 1, 2026 11:38 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: URL links to media proceedings public has been interested in

(b) (5) [redacted]

(b) (5)

[redacted]

Kristi Thompson

From: Katie Gorscak
Sent: Friday, May 8, 2026 12:05 PM
To: Katie McAuliffe; Allison Howell
Subject: NYT article on ABC

Follow Up Flag: Follow up
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ABC Accuses Government of Violating First Amendment

The network's argument, made to the F.C.C., is the most aggressive posture taken yet by a television network toward the Trump administration.

Listen · 7:49 min



The filing on Friday was registered on behalf of a single ABC station in Houston and involved a minor regulatory dispute over the talk show "The View," which regularly hosts politicians and cultural figures. Credit...Evelyn Hockstein/Reuters



By Jim Rutenberg and John Koblin

May 8, 2026Updated 11:58 a.m. ET

See more of our coverage in your search results.Add The New York Times on Google

ABC has accused the Federal Communications Commission of violating its free speech rights, potentially setting the stage for a protracted, high-stakes legal battle between the network and the Trump administration.
The company said in a filing with the agency that regulators had a “chilling effect” on free speech by trying to punish political content they disagreed with. The filing, made public on Friday, is the most aggressive defense from any television network since President Trump kicked off an extended campaign last year to bring media organizations to heel.
It represented a striking departure for ABC. The network, under the corporate stewardship of the Walt Disney Company, set an early tone of compliance toward Mr. Trump when it settled a defamation lawsuit with him for $15 million in December 2024. Many legal experts considered Mr. Trump’s case unlikely to succeed in court.
The filing was registered on behalf of a single ABC station in Houston and involved a minor regulatory dispute over the talk show “The View.” But in a signal of its importance, the company’s paperwork was signed by one of the most experienced Supreme Court litigators in the country, Paul D. Clement, a solicitor general under President George W. Bush.

The filing responded to action the F.C.C. took earlier this year questioning whether “The View,” the longtime ABC morning talk show, fell under old federal rules requiring entertainment programs on broadcast television to grant equal airtime to political candidates for the same office. The show features a mix of political and celebrity interviews, led by a panel of hosts who are often highly critical of Mr. Trump.
Mr. Trump’s appointed chair of the commission, Brendan Carr, has strongly suggested in public that “The View,” which is technically part of ABC’s news division, should not qualify for an exemption that the equal time rules allow for so-called “bona fide” news programs. But the filing from ABC revealed for the first time the intensity of the agency’s efforts against the network, which have included extensive requests for documents and information about its operations and editorial approach.
Image



Brendan Carr, the chairman of the Federal Communications Commission, during a congressional hearing in January.Credit...Eric Lee for The New York Times
The exemption has been extended to many talk shows over the years. But Mr. Carr offered a new interpretation of the rule in January, suggesting that too many talk shows improperly assumed they qualified for it.

The F.C.C. did not immediately respond to a request for comment.

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According to ABC's filing, the F.C.C. ordered the company's station in Houston, KTRK-TV, to file a formal request asking whether "The View" qualified for the exemption. The agency suggested that if the show was not exempt, then KTRK should have registered formal paperwork required under the equal time rules in February when "The View" booked James Talarico, the Democratic candidate for Senate in Texas.
Image


James Talarico, center, was interviewed on "The View" in February. Mr. Talarico is the Democratic nominee in the Texas Senate race.Credit...ABC
ABC said the request was an overreach because "The View" had already received its own news exemption from the agency in 2002. The company said the exemption had never been challenged in the 24 years since and considered it to remain in effect.
Tell us about your movie and TV watching habits.
Which streaming services do you use, what do you watch and why? And how has your relationship with movie theaters changed? Share your thoughts with Times media reporters.
The network called the F.C.C.'s demand that it file for an exemption again "unprecedented, beyond the Commission's authority and counterproductive to the Commission's stated goal of encouraging free speech and open political discussion."
It added: "Some may dislike certain — or even most — of the viewpoints expressed on 'The View' or similar shows. Such dislike, however, cannot justify using regulatory processes to restrict those views."
Pointedly, it noted that the agency has questioned talk shows critical of the president, like "The View," but not radio talk shows supportive of the administration, like those by the conservative commentators Glenn Beck and Mark Levin. The filing also noted the timing of the inquiries, which come ahead of the midterm elections.
Mr. Carr assumed the agency chairmanship in 2025, vowing to enforce century-old "public interest standards" that include provisions like the equal time rule after a prolonged period of leniency that began in the Reagan era.
Those rules apply to broadcast television and radio, much less so to cable, and not at all to the internet. Mr. Carr has accused the nation's three oldest networks — ABC, NBC and CBS — of exhibiting liberal bias that could be in violation of the public interest standards, drawing sharp pushback from public interest lawyers, Democrats and even some Republicans.
ABC has taken the brunt of the action. Early in his term, Mr. Carr initiated an inquiry into diversity, equity and inclusion practices at ABC stations, which remains underway.
In September, Mr. Carr threatened possible sanctions against the network over a joke that the late-night host Jimmy Kimmel made about the man accused of murdering Charlie Kirk. Mr. Kimmel's comments prompted fury from Mr. Trump

and his supporters. ABC responded by suspending Mr. Kimmel's show for several days, but he returned after a wave of protest from his fans and others concerned about the free speech implication of taking him off the air.
The pressure has only intensified since. The F.C.C. began looking into "The View," and then, two weeks ago, took the highly unusual step of reviewing the licenses of all eight of ABC's owned local stations years before they expire.

That license review came after another joke from Mr. Kimmel that angered the president, though Mr. Carr said it was because ABC had been playing "rope-a-dope" with the agency in the D.E.I. inquiry and "weren't being entirely forthcoming."
ABC disputed Mr. Carr's description of events in its filing this week. The company said it had fully complied with all agency demands in the inquiry, on schedule, supplying some 11,000 documents in response to scores of requests.
The paperwork, however, suggested that ABC was considering a broader court challenge to the longstanding rules, asserting that they were outdated and unfair given the many media options now available, most of them free of any such public interest obligations.
And it echoed warnings from Republicans — including Senator Ted Cruz of Texas — in saying, "If the government is allowed to discriminate on the basis of viewpoint in a Republican administration, there is little preventing it from doing so when the Democrats are in charge."

Kristi Thompson

From: Anthony Patrone
Sent: Monday, May 18, 2026 12:19 PM
To: Allison Howell
Subject: PDR as-filed

Here is the link to the KTRK PDR. (b) (5) [redacted]

https://www.fcc.gov/ecfs/document/10507899614175/1

Anthony Patrone
Senior Counsel
Office of FCC Chairman Brendan Carr
Anthony.Patrone@fcc.gov

Kristi Thompson

From: Katie Gorscak
Sent: Monday, April 27, 2026 9:14 AM
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: Press inquiry from Newsmax: Jimmy Kimmel comments

Good morning, OCH:

See below for a press inquiry from NewsMax regarding comments made by Jimmy Kimmel regarding the shooting on Saturday.

(b) (5) [redacted]

Regards,

Katie

From: Heather Myers <heathermyerstv@gmail.com>
Sent: Sunday, April 26, 2026 8:53 PM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Reporter on deadline

You don't often get email from heathermyerstv@gmail.com. Learn why this is important

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My name is Heather Myers, correspondent from Newsmax. I am reaching out regarding Jimmy Kimmel and a recent monologue where he was mocking the White House Correspondent Dinner and pretending to say to the first lady, "Mrs. Trump, you have a glow like an expectant widow."
These remarks came shortly before a gunman was accused of running past security with the intent to kill members of the Trump administration at the dinner.
What does the FCC have to say about Jimmy Kimmel's comments? Where is the line between free speech and provoking violence?
Does the FCC have any statement to make regarding Jimmy Kimmel's comments?

I am on deadline-

Heather Myers
Newsmax
858-472-7053

Kristi Thompson

From: Katie Gorscak
Sent: Wednesday, May 20, 2026 4:26 PM
To: Allison Howell; Adam Jackman; Anthony Patrone; Greg Watson; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: [EXTERNAL]: Chairman Press conference today - The View

(b) (5) [redacted]

Katie

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Wednesday, May 20, 2026 4:21 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>; Anthony Patrone <Anthony.Patrone@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: [EXTERNAL]: Chairman Press conference today - The View

(b) (5)

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Wednesday, May 20, 2026 4:14 PM
To: Anthony Patrone <Anthony.Patrone@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: [EXTERNAL]: Chairman Press conference today - The View

(b) (5) [redacted]

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Anthony Patrone <Anthony.Patrone@fcc.gov>
Sent: Wednesday, May 20, 2026 4:13 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell

<Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: [EXTERNAL]: Chairman Press conference today - The View

(b) (5) [redacted]

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Wednesday, May 20, 2026 4:02 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Anthony Patrone <Anthony.Patrone@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: FW: [EXTERNAL]: Chairman Press conference today - The View

OCH team:

Flagging the below inquiry we received from Monty. (b) (5) [redacted]

Katie

From: Tayloe, Monty <mtayloe@warren-news.com>
Sent: Wednesday, May 20, 2026 2:43 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: [EXTERNAL]: Chairman Press conference today

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Hi Katie, Will and Adam,

I noticed during the press conference today Chairman Carr said that Disney "made the choice" to file a petition for a declaratory ruling on whether the View is a bona fide news program. But in the petition, Disney says several times that it was ordered to make that filing by the Media Bureau. Do you have a comment on the discrepancy there? Did the media Bureau order Disney to file the petition for declaratory ruling?

Thanks,
Monty Tayloe
Associate Editor
Communications Daily
703-728-0227

Kristi Thompson

From: Katie Gorscak
Sent: Thursday, June 11, 2026 4:38 PM
To: Greg Watson; Allison Howell; Connor Glisson; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: [EXTERNAL]: JAWBONE Act

David Shepardson with Reuters also reached out on this asking for comment.

From: Katie Gorscak
Sent: Thursday, June 11, 2026 3:05 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Connor Glisson <Connor.Glisson@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: [EXTERNAL]: JAWBONE Act

Adding another inquiry, this time from Communications Daily.

Communications Daily (Jimm Phillips)
Any FCC comment on Sens. Cruz and Wyden filing the Jawbone Act, which would allow Americans to sue federal agencies and employees for taking actions seen as coercing broadcasters to self-censor? Some media outlets are framing it as allowing Jimmy Kimmel to sue Chairman Carr.

From: Katie Gorscak
Sent: Thursday, June 11, 2026 12:55 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Connor Glisson <Connor.Glisson@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: FW: [EXTERNAL]: JAWBONE Act

OCH + OLA:

Please see the below press inquiry. (b) (5) [redacted]

Katie

From: Amy Maclean <amaclean@accessintel.com>
Sent: Thursday, June 11, 2026 12:44 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: [EXTERNAL]: JAWBONE Act

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Hi there,

Checking in to see if the FCC or Chairman Carr has any response to the introduction today of the JAWBONE Act by Ted Cruz and Ron Wyden, given that some have called the early license renewal for ABC stations a First Amendment violation.

Thanks,
Amy Maclean
CFX, Cablefax
240-702-3156

Kristi Thompson

From: Benjamin Arden
Sent: Sunday, April 26, 2026 8:03 PM
To: JTatel@wbklaw.com
Cc: paul.clement@clementmurphy.com; Erin Boone; Allison Howell; Sima Nilsson
Subject: Re: [EXTERNAL]: KTRK Television, Inc. Response to February 11, 2026 Letter

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, again.

Based on additional discussion, I wanted to confirm that the PDR should not be filed tomorrow. We will be in touch with additional details on how to move forward.

Thanks.

Ben

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Sunday, April 26, 2026 4:32 PM
To: JTatel@wbklaw.com <JTatel@wbklaw.com>
Cc: paul.clement@clementmurphy.com <paul.clement@clementmurphy.com>; Erin Boone <Erin.Boone@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: Re: [EXTERNAL]: KTRK Television, Inc. Response to February 11, 2026 Letter

Hi, all.

My understanding is that the FCC is providing Disney with an extension of time. So the PDR will not be due tomorrow.

Thanks.

Ben

Benjamin D. Arden
Special Counsel
Office of the Bureau Chief, Media
Federal Communications Commission

From: Tatel, Jennifer <JTatel@wbklaw.com>
Sent: Tuesday, March 31, 2026 6:09:22 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Sima Nilsson <Sima.Nilsson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Paul Clement <paul.clement@clementmurphy.com>
Subject: RE: [EXTERNAL]: KTRK Television, Inc. Response to February 11, 2026 Letter

> You don't often get email from jtatel@wbklaw.com. Learn why this is important

Erin,

On behalf of KTRK Television, Inc., attached please find a response to your March 26, 2026, correspondence, including a supporting declaration.

Please let us know if you have any further questions.

Regards,
Jennifer

Jennifer Tatel
202.383.3344
JTatel@wbklaw.com

From: Sima Nilsson <Sima.Nilsson@fcc.gov>
Sent: Thursday, March 26, 2026 8:38 PM
To: Tatel, Jennifer <JTatel@wbklaw.com>; 'Paul Clement' <paul.clement@clementmurphy.com>; 'grace.kavadoy@disney.com' <grace.kavadoy@disney.com>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: [EXTERNAL]: KTRK Television, Inc. Response to February 11, 2026 Letter

In response to the request for an extension of tomorrow's deadline, we are extending the time for KTRK's initial response to the morning of Tuesday, March 31st.

Best,
Sima

From: Sima Nilsson
Sent: Thursday, March 26, 2026 12:29 PM
To: Tatel, Jennifer <JTatel@wbklaw.com>; Paul Clement <paul.clement@clementmurphy.com>; grace.kavadoy@disney.com
Cc: Erin Boone <Erin.Boone@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: [EXTERNAL]: KTRK Television, Inc. Response to February 11, 2026 Letter

All,

Attached, please find a Supplemental Letter of Inquiry from the Media Bureau regarding the ABC station, KTRK, Houston, Texas. The Letter requests a response by tomorrow and provides instructions for submitting the response. Please let us know if you have any questions.

Best,
Sima

Sima Nilsson
Associate Bureau Chief
Media Bureau
(202) 418-2708

From: Tatel, Jennifer <JTatel@wbklaw.com>
Sent: Thursday, February 12, 2026 11:56 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Lori Maarbjerg <Lori.Maarbje@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>; Paul Clement <paul.clement@clementmurphy.com>
Subject: [EXTERNAL]: KTRK Television, Inc. Response to February 11, 2026 Letter

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Erin,

On behalf of KTRK Television, Inc., attached please find a response to your February 11, 2026, correspondence, along with a supporting declaration.

Please let us know if you have any further questions.

Regards,
Jennifer

WILKINSON) BARKER) KNAUER) LLP

Jennifer Tatel
Partner, Management Committee Member
1800 M Street NW Suite 800N
Washington, DC 20036
Tel: 202.383.3344
JTatel@wbklaw.com
vCARD

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Kristi Thompson

From: Katie Gorscak
Sent: Thursday, May 7, 2026 3:41 PM
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: [EXTERNAL]: Politico - Request for comment on Senate Democratic letter on Disney licensing

Adding a similar inquiry from Law360.

Law360 (Courtney Buble)
Do you have any comment on this letter a bunch of Senate Democrats sent to FCC Chair Carr today regarding the FCC's order to The Walt Disney Company to file early license renewals for its eight ABC broadcast stations? If you could respond asap that would be great.

From: Katie Gorscak
Sent: Thursday, May 7, 2026 1:34 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: FW: [EXTERNAL]: Politico - Request for comment on Senate Democratic letter on Disney licensing

OCH Team:

Flagging the below in case there is anything we'd like to provide, though it sounds like that Chairman may have already provided some comments yesterday.

Katie

From: John Hendel <jhendel@politico.com>
Sent: Thursday, May 7, 2026 1:00 PM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Politico request for comment on Senate Democratic letter on Disney licensing

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Hi all,

A group of Senate Democrats led by Sen. Markey just asked the chairman to immediately rescind last week's Disney licensing order and raised some questions about the motivation.

Any FCC comment we should include?

I'll include some of the chairman's comments from a small scrum about the issue yesterday at the CTIA summit either way, but just holler if any comment specific to the letter and we can update and have in. We'll likely publish shortly but can update as needed.

Thanks for any time!

All the best,

John Hendel
Technology Reporter | POLITICO
Cell/Signal: (b) (6)
Email: jhendel@politico.com
X/Twitter: @JohnHendel

Congress of the United States

Washington, DC 20515

May 15, 2026

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Chairman Carr:

We write to express serious concern about recent actions and statements by the Federal Communications Commission ("FCC" or "Commission") that suggest the agency may use its regulatory authority to pressure private companies to alter lawful internal corporate diversity, equity and inclusion (DEI) policies exceeding far beyond congressional intent.

The FCC holds significant authority over the communications marketplace by approving mergers and acquisitions, reviewing broadcast license transfers, and regulating telecommunications providers in interstate commerce. Congress granted this authority to ensure communications services serve the public interest, convenience, and necessity, not to influence the internal governance decisions of private companies. The Communications Act of 1934, as amended, codifies this standard, requiring the Commission to determine whether transactions involving communications licenses meet that public interest test. However, recent public reporting and your public statements raise concerns that companies seeking FCC approval may feel pressure to modify internal corporate policies to avoid regulatory obstacles or delays.

In a February 2025 letter to Comcast, you stated the Commission would take "fresh action to ensure that every entity the FCC regulates complies with the civil rights protections enshrined in the Communications Act… including by shutting down any programs that promote invidious forms of DEI."[1] Similarly, you notified The Walt Disney Company that the FCC's Enforcement Bureau would open an investigation into Disney and ABC for promoting DEI policies, even though such policies were undoubtedly unrelated to their broadcasting or programming.[2] You did not stop there; you have gone on to threaten several major telecommunications companies, all of which had licensing or authorization applications pending with the FCC, with regulatory and enforcement actions should they not adapt internal corporate policies to align with the racist and discriminatory whims of the Trump Administration.

The list goes on and on. You have been relentless in your baseless pursuit to root out DEI policies or initiatives at private companies. But at what cost? Your anti-DEI agenda is doing more harm than good and threatens

---

[1] Federal Communications Commission. (2025, February 11). *Chairman Carr letter to Comcast and NBCUniversal regarding Promotion of DEI* [PDF] https://www.fcc.gov/sites/default/files/Chairman-Carr-Letter%20to-Comcast-02112025.pdf

[2] Federal Communications Commission. (2027, March 25). *Chairman Carr letter to Disney regarding DEI* [PDF]. https://www.fcc.gov/sites/default/files/Carr-Letter-to-Disney-DEI-03252027.pdf

companies that have strived to foster a diverse workforce and promote voices, viewpoints and content that reflect the very foundational principles of our country.

Countless business leaders across all sectors have stressed the incalculable value of a diverse workforce and leadership structure to a company's growth potential and shareholder value. Business leaders like Mark Cuban have emphasized that diverse workforces and leadership teams strengthen innovation, improve decision-making, and enhance long-term growth and shareholder value. To prohibit or otherwise impede private companies from pursuing talent in the manner that they deem best serves their consumers and shareholders serves no one. In fact, it is a recipe for fewer jobs and higher prices, which is consistent with the Trump Administration's activities that are making life harder for families and businesses across the board.

While at times the Commission sought to promote fairness and expand access within the communications marketplace, it must do so in a manner that maintains its commitment to serve the public interest, convenience and necessity. Under your leadership, the Commission is doing the opposite. Let it be known that our concerns here do not involve the independent decisions of private companies, but rather the misguided FCC leadership that led to the intrusive fearmongering you have instilled among the country's broadcasters since becoming Chairman.

If companies and investors believe that regulatory approvals hinge on factors well outside what has traditionally been understood to serve the communications marketplace, uncertainty will increase and investment will suffer. It is difficult to understand why the Commission would attempt to destabilize the market at a time when the United States is making strides to accelerate broadband deployment, strengthen network resilience, and maintain global leadership in communications technology.

To assist Congress in understanding the Commission's actions and to ensure that the FCC operates with the public's interest in mind, please respond and provide the following information no later than Tuesday, June 2, 2026:

1. What definition or standard does the Commission use to determine what constitutes an "invidious form" of diversity, equity, and inclusion, and under what statutory authority does the Commission make that determination?

2. A description of the factors the Commission considers when determining whether a transaction involving the transfer of communications licenses satisfies the "public interest, convenience, and necessity" standard under the Communications Act.

3. All internal and external FCC communications, memoranda, guidance, or policy documents issued since January 1, 2025, including emails, texts, and chat messages, that instruct Commission staff how to evaluate corporate governance policies or internal corporate practices when reviewing merger applications or license transfer requests.
4. All communications between FCC leadership or staff and representatives of companies with pending transactions before the Commission regarding the scope of the Commission's merger review authority since January 1, 2025.

5. A list of instances in which the Commission considered factors related to corporate governance or internal company policies, including DEI programs and other internal human resources initiatives, when evaluating applications for license renewals or transfers, merger approvals, or other regulatory authorizations. For each instance, please provide all documentation, including internal and external communications involving FCC leadership or staff, pertaining to the review or deliberation of the internal governance policies of private companies.

Your recent actions place the FCC on a path that departs from Congressional intent and stretches far beyond the authorities granted under the Communications Act. Continued actions in this direction will erode trust in the FCC's impartiality and inject uncertainty into the communications marketplace. We urge you to change course and restore the Commission's focus on its statutory mission.

Sincerely,

Jennifer L. McClellan
Member of Congress

Jonathan L. Jackson
Member of Congress

Eleanor Holmes Norton
Member of Congress

Rashida Tlaib
Member of Congress

Joyce Beatty
Member of Congress

Timothy M. Kennedy
Member of Congress

Troy A. Carter, Sr.
Member of Congress

Paul D. Tonko
Member of Congress

Marc A. Veasey
Member of Congress

Lauren Underwood
Member of Congress

Bennie G. Thompson
Member of Congress

Shomari Figures
Member of Congress

Al Green
Member of Congress

Nikema Williams
Member of Congress

Joaquin Castro
Member of Congress

Betty McCollum
Member of Congress

Shontel M. Brown
Member of Congress

Jahana Hayes
Member of Congress

Kristi Thompson

From: Connor Glisson
Sent: Friday, May 15, 2026 1:46 PM
To: Greg Watson; Katie Gorscak; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: Re: [EXTERNAL]: USA Today request for comment re: House Dems Letter regarding DEI program
Attachments: 05.15.2026-letter-to-fcc-re-attacks-on-diversity-equity-and-inclusion.pdf

Here is the letter. Found on Rep. McClellan's press release.

From: Connor Glisson <Connor.Glisson@fcc.gov>
Sent: Friday, May 15, 2026 1:39 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: [EXTERNAL]: USA Today request for comment re: House Dems Letter regarding DEI program

(b) (5) [redacted]

Here is the USA Today article that just came out:
https://www.usatoday.com/story/money/2026/05/15/house-democrats-challenge-fcc-dei-probes/90063696007/

From: Greg Watson <Gregory.Watson@fcc.gov>
Sent: Friday, May 15, 2026 1:29 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>; Connor Glisson <Connor.Glisson@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: [EXTERNAL]: USA Today request for comment re: House Dems Letter regarding DEI program

(b) (5) [redacted]

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Friday, May 15, 2026 12:14 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>; Connor Glisson <Connor.Glisson@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: FW: [EXTERNAL]: USA Today request for comment re: House Dems Letter regarding DEI program

Good afternoon:

(b) (5) [redacted]

Katie

From: Guynn, Jessica <jguynn@usatoday.com>
Sent: Friday, May 15, 2026 10:00 AM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Deadline request for comment

You don't often get email from jguynn@usatoday.com. Learn why this is important

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USA TODAY is looking for comment on deadline on a letter sent this morning by House Democrats to Chairman Carr raising concerns about the FCC's actions related to corporate DEI programs. Thank you.

Jessica Guynn
Senior reporter
USA TODAY

Kristi Thompson

From: Greg Watson
Sent: Monday, May 4, 2026 8:50 AM
To: Allison Howell
Subject: RE: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

(b) (5)

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Friday, May 1, 2026 4:42 PM
To: Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

(b) (5)

Allison Howell
Attorney Advisor
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Jim Balaguer <Jim.Balaguer@fcc.gov>
Sent: Friday, May 1, 2026 5:51 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

FYI – Letter from E&C Ranking Member Pallone, O&I Ranking Member Clarke and CT Ranking Matsui posing questions on the FCC Media Bureau's order regarding Disney TV licenses renewal proceeding.

The letter includes the following series of questions and document requests, no later than May 14, and includes a previous letter from March 31.

1. Explain and provide all documents related to your decision to order the early license renewal of Disney ABC stations. Include in your explanation and production of documents how this proceeding would "ensure that the broadcaster has been meeting its public interest obligations" and what, if any, issues you purportedly identified in your ongoing investigation of Disney that are somehow relevant to upholding the "public interest" or any other FCC authority.

2. Explain and provide all documents related to your decision to reverse long-standing FCC policy and subject daytime and late-night talk shows to the equal time rule. Include in your explanation and production of documents the rationale behind issuing this change without formal rulemaking, which is open to public comment.

3. Specifically describe and provide documentation of any complaints raised about the interview on "The View" with James Talarico that led to your investigation of potential violation of the equal time rule. Also provide all other documentation related to your investigation to date. Include in your response which other eligible candidates, if any, requested and were refused equal time by the broadcaster. To the extent that there were no candidates that were refused equal time, describe the basis of your investigation and what authority you believe the FCC has to conduct this investigation.

4. Provide any communications with CBS or its affiliates regarding the interview of James Talarico on "The Late Show with Stephen Colbert."

5. Explain your interpretation of the "public interest standard" you frequently cite and the FCC's authority to enforce your interpretation of such standard.29 Provide all documentation regarding your interpretation and purported authority, including memoranda and communications.

6. Explain what criteria you purport to use to determine whether a program is "motivated by a partisan purpose" and provide all documentation regarding these criteria including related memoranda and communications

7. Provide all records related to travel to Trump's personal residence in Florida including itineraries for that travel, participants in meetings held at Trump's personal residence, detailed receipts of all associated costs paid or reimbursed by the FCC, and any formal or informal ethics advice that was provided related to such travel.

Finally, preserve all documents and records potentially responsive to the issues and requests raised in this letter and in our letter of March 31, 2025, including text messages, emails, and digital and physical documents. This preservation request applies to existing and future materials that are responsive to these requests, including those that would otherwise be automatically deleted.

From: McAuliffe, Will <Will.McAuliffe@mail.house.gov>
Sent: Thursday, April 30, 2026 2:29 PM
To: Jim Balaguer <Jim.Balaguer@fcc.gov>
Cc: Desai, Parul <Parul.Desai@mail.house.gov>; O'Connor, Constance <Constance.OConnor@mail.house.gov>; Alethea Lewis <Alethea.Lewis@fcc.gov>
Subject: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

You don't often get email from will.mcauliffe@mail.house.gov. Learn why this is important

Mr. Balaguer,

Please find attached correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Member Pallone, Subcommittee on Oversight and Investigations Ranking Member Clarke, and Subcommittee on Communications and Technology Ranking Member Matsui.

Please confirm receipt at your earliest convenience and let us know if you have any questions.

Best,
Will

Will McAuliffe
Chief Counsel
Subcommittee on Oversight and Investigations
House Committee on Energy and Commerce Democrats

Mobile/Signal: (b) (6)
E&C Democrats Whistleblower Tipline

Kristi Thompson

From: Sima Nilsson
Sent: Monday, May 18, 2026 3:32 PM
To: Allison Howell; William Durdach
Cc: Alexander Sanjenis; Lori Maarbjerg; Maria Mullarkey
Subject: RE: Disney / The View PDR Public Notice

Thanks, Allison!

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Monday, May 18, 2026 3:30 PM
To: William Durdach <William.Durdach@fcc.gov>
Cc: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Lori Maarbjerg <Lori.Maarbje@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>
Subject: RE: Disney / The View PDR Public Notice

(b) (5) [redacted] Appreciate your help!

Thanks,

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: William Durdach <William.Durdach@fcc.gov>
Sent: Thursday, May 14, 2026 2:09 PM
To: Allison Howell <Allison.Howell@fcc.gov>
Cc: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Lori Maarbjerg <Lori.Maarbje@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>
Subject: Disney / The View PDR Public Notice

Allison,

Attached is a draft PN seeking comment on the PDR filed by Disney concerning The View.

(b) (5) [redacted]

(b) (5) [redacted]

[redacted]

Please let us know if you would like to discuss.

Best,
The Bureau

Bill Durdach
Legal Advisor
Media Bureau
Federal Communications Commission
(202) 418-1976
william.durdach@fcc.gov

Kristi Thompson

From: Anthony Patrone
Sent: Wednesday, May 27, 2026 10:26 AM
To: Alexander Sanjenis; Allison Howell
Subject: RE: Disney Early Renewal Pleading PN

Hi Alex,

(b) (5) [redacted]

Thanks,
Anthony

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, May 27, 2026 10:12 AM
To: Allison Howell <Allison.Howell@fcc.gov>
Cc: Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: RE: Disney Early Renewal Pleading PN

(b) (5) [redacted]

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Wednesday, May 27, 2026 10:09 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: RE: Disney Early Renewal Pleading PN

Thanks, Alex. (b) (5) [redacted]

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, May 27, 2026 9:30 AM
To: Allison Howell <Allison.Howell@fcc.gov>
Cc: Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: RE: Disney Early Renewal Pleading PN

Thanks. (b) (5) [redacted]

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Tuesday, May 26, 2026 7:42 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: Disney Early Renewal Pleading PN

See attached,

Thanks,

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

Kristi Thompson

From: Christopher Santini
Sent: Wednesday, May 27, 2026 3:59 PM
To: Anthony Patrone; Scott Bouboulis
Cc: Adam Candeub; Allison Howell
Subject: RE: Disney Early Renewal Pleading PN

Thanks, Anthony. (b) (5) [redacted]

From: Anthony Patrone <Anthony.Patrone@fcc.gov>
Sent: Wednesday, May 27, 2026 3:14 PM
To: Christopher Santini <Christopher.Santini@fcc.gov>; Scott Bouboulis <Melvin.Bouboulis@fcc.gov>
Cc: Adam Candeub <Adam.Candeub@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: FW: Disney Early Renewal Pleading PN

Chris—(b) (5) [redacted]

Thanks

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, May 27, 2026 2:31 PM
To: Allison Howell <Allison.Howell@fcc.gov>
Cc: Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: RE: Disney Early Renewal Pleading PN

Allison & Anthony,

(b) (5) [redacted]

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Tuesday, May 26, 2026 7:42 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: Disney Early Renewal Pleading PN

See attached,

Thanks,

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

Kristi Thompson

From: Sima Nilsson
Sent: Thursday, May 21, 2026 3:34 PM
To: Allison Howell
Subject: RE: Disney PDR PN

(b) (5) [redacted]

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Thursday, May 21, 2026 3:28 PM
To: Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: RE: Disney PDR PN

(b) (5) [redacted]

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Sima Nilsson <Sima.Nilsson@fcc.gov>
Sent: Thursday, May 21, 2026 3:25 PM
To: Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Disney PDR PN

The January PN doesn't appear to have an FCC record number (yet), but here's the Westlaw cite: **2026 WL 208684 (F.C.C.).**

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Thursday, May 21, 2026 2:29 PM
To: Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: Disney PDR PN

See the attached version. Thanks.

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

Kristi Thompson

From: Brendan Carr
Sent: Thursday, May 21, 2026 4:48 PM
To: Allison Howell
Subject: Re: Disney PN latest draft

Good here. Fire away tomorrow morning

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Thursday, May 21, 2026 3:44 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: RE: Disney PN latest draft

Chairman,

(b) (5) [redacted]

Allison Howell
Legal Advisor — Media
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Thursday, May 21, 2026 11:04 AM
To: Allison Howell <Allison.Howell@fcc.gov>
Subject: Disney PN latest draft

(b) (5) [redacted]

[redacted]

Kristi Thompson

From: Connor Glisson
Sent: Tuesday, June 2, 2026 3:40 PM
To: Greg Watson; Allison Howell; Anthony Patrone
Subject: Re: DRAFT Response to Sen. Markey 5.7.26 Letter
Attachments: DRAFT Markey Response 6.2.26-BC +CG.docx

(b) (5) [redacted]

From: Connor Glisson <Connor.Glisson@fcc.gov>
Sent: Monday, June 1, 2026 4:09 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: DRAFT Response to Sen. Markey 5.7.26 Letter

Attached is a draft response to Sen. Markey's May 7, 2026, Letter on the Disney Early Renewal Order. (b) (5) [redacted]

Best,

Connor Glisson
Director, Office of Legislative Affairs
Federal Communications Commission
connor.glisson@fcc.gov | 202-418-2064

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Kristi Thompson

From: Connor Glisson
Sent: Thursday, May 7, 2026 1:15 PM
To: Greg Watson; Allison Howell
Subject: Re: Letter to Chairman Carr

Good here.

From: Greg Watson <Gregory.Watson@fcc.gov>
Sent: Thursday, May 7, 2026 1:14 PM
To: Connor Glisson <Connor.Glisson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Letter to Chairman Carr

(b) (5) [redacted]

From: Connor Glisson <Connor.Glisson@fcc.gov>
Sent: Thursday, May 7, 2026 1:02 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Subject: Fw: Letter to Chairman Carr

We received the attached letter regarding the Disney renewal Order. (b) (5) [redacted] The letter is led by Sen. Markey and signed by Senators: Schumer, Cantwell, Lujan, Hickenlooper, Hirono, Rosen, Sanders, Schatz, Schiff, Van Hollen and Warren.

The letter requests a written response by May 21, 2026, addressing the following:

1. Please describe the timing and process by which you determined that the Commission should issue the early-renewal order.
    a. When did you first direct Commission staff to begin drafting the Disney order, and on what date was the final text approved for release?
    b. What internal legal review, including by the Office of General Counsel, was conducted before the order was issued?
    c. Did you consider, but reject, any less aggressive enforcement steps prior to issuing the order? If so, please identify them.
    d. The Commission issued a procedurally similar early-renewal order against Bridge News, LLC on April 27, 2026 — one day before the Disney order. Did you intentionally time the orders so that the Bridge News order would precede the Disney order in the public record?
2. Please provide a status update on each open FCC investigation into Disney or its ABC stations.
    a. When was Disney's last response to each of these inquiries, and how many pages of documents has Disney produced as part of these investigations?
    b. Has Disney been unresponsive to these investigations?
    c. Please describe the justification for issuing the early-renewal order amidst these ongoing investigations.

3. Between April 22, 2026, and April 28, 2026, did you, your staff, or any other FCC personnel communicate with the White House, any other component of the Executive Office of the President, or any individual acting on their behalf regarding Disney, ABC, Jimmy Kimmel, or the early-renewal order? If so, please describe each communication, including the participants and substance.
4. Please identify each prior instance in which the Commission has invoked 47 CFR § 73.3539(c) to call in the licenses of a broadcaster for early renewal, including a summary of the grounds for each instance.

From: Vinik, Danny (Markey) <Danny_Vinik@markey.senate.gov>
Sent: Thursday, May 7, 2026 12:09 PM
To: Jim Balaguer <Jim.Balaguer@fcc.gov>; Connor Glisson <Connor.Glisson@fcc.gov>
Subject: Letter to Chairman Carr

> You don't often get email from danny_vinik@markey.senate.gov. Learn why this is important

Hey Jim, Connor – Happy all is well, and congrats on the new role, Connor. Please find attached a letter from my boss and other members to Chairman Carr on the Disney early-renewal order. Can you confirm receipt?

Thanks
Danny

Danny Vinik
Policy Advisor (he/him)
Senator Edward Markey

Kristi Thompson

From: Katie McAuliffe
Sent: Thursday, June 4, 2026 5:01 PM
To: Alexander Sanjenis
Cc: Allison Howell
Subject: Re: Link for filings needed

Thanks so much!

Katie McAuliffe
Policy Advisor
Chairman Carr

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, June 4, 2026 2:52:47 PM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Link for filings needed

For The View, Comments are due on June 22 and Reply Comments on July 6

For ABC Renewals, petitions are due on June 29, 2026, Oppositions on July 29, 2026, and Replies on August 5, 2026.

(b) (5) [redacted]

From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Sent: Thursday, June 4, 2026 12:22 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Link for filings needed

Thanks for this Alex,

(b) (5) [redacted]

~ Katie McAuliffe
Policy Advisor
Chairman Carr
Federal Communications Commission

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, June 4, 2026 11:47 AM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Link for filings needed

The View
Regular: https://www.fcc.gov/ecfs/filings/standard?proceeding[name]=26-124

Express: https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-124

Disney Renewals
Regular: https://www.fcc.gov/ecfs/filings/standard?proceeding[name]=26-131

Express: https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-131

From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Sent: Thursday, June 4, 2026 11:30 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Link for filings needed

Awesome. Thank you so much!

~ Katie McAuliffe

Policy Advisor

Chairman Carr

Federal Communications Commission

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, June 4, 2026 11:14 AM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Link for filings needed

Can have it sooner, soon as I get to laptop

Get Outlook for iOS

From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Sent: Thursday, June 4, 2026 11:13:47 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Link for filings needed

Hey Alex, I need a links for ECFS filing or whatever method we are using for filings / submissions on:

- The View
- ABC/Disney license petitions

(b) (5) [redacted]

[redacted]

Thank you!

~ Katie McAuliffe
Policy Advisor
Chairman Carr
Federal Communications Commission

Kristi Thompson

From: Alexander Sanjenis
Sent: Thursday, June 11, 2026 12:25 PM
To: Katie McAuliffe
Cc: Allison Howell
Subject: RE: Link for filings needed

HI Katie,

(b) (5) [redacted]

From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Sent: Thursday, June 11, 2026 12:06 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Link for filings needed

Hey Alex, (b) (5) [redacted]

[redacted]

~ Katie McAuliffe
Policy Advisor
Chairman Carr
Federal Communications Commission

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, June 4, 2026 2:52 PM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Link for filings needed

For The View, Comments are due on June 22 and Reply Comments on July 6

For ABC Renewals, petitions are due on June 29, 2026, Oppositions on July 29, 2026, and Replies on August 5, 2026.

(b) (5) [redacted]



[redacted]

From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Sent: Thursday, June 4, 2026 12:22 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Link for filings needed

Thanks for this Alex,

(b) (5) [redacted]

~ Katie McAuliffe

Policy Advisor

Chairman Carr

Federal Communications Commission

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, June 4, 2026 11:47 AM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Link for filings needed

The View

Regular: https://www.fcc.gov/ecfs/filings/standard?proceeding[name]=26-124

Express: https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-124

Disney Renewals

Regular: https://www.fcc.gov/ecfs/filings/standard?proceeding[name]=26-131

Express: https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-131

From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Sent: Thursday, June 4, 2026 11:30 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Link for filings needed

Awesome. Thank you so much!

~ Katie McAuliffe

Policy Advisor

Chairman Carr

Federal Communications Commission

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, June 4, 2026 11:14 AM
To: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Re: Link for filings needed

Can have it sooner, soon as I get to laptop

Get Outlook for iOS

From: Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Sent: Thursday, June 4, 2026 11:13:47 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: Allison Howell <Allison.Howell@fcc.gov>
Subject: Link for filings needed

Hey Alex, I need a links for ECFS filing or whatever method we are using for filings / submissions on:

- The View
- ABC/Disney license petitions

(b) (5) [redacted]

[redacted]

Thank you!

~ Katie McAuliffe

Policy Advisor

Chairman Carr

Federal Communications Commission

Kristi Thompson

From: Alexander Sanjenis
Sent: Wednesday, April 29, 2026 4:59 PM
To: Allison Howell
Subject: Re: Meeting Takeaways

(b) (5)

Get Outlook for iOS

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Wednesday, April 29, 2026 4:57:12 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: Meeting Takeaways

Thanks. (b) (5)

Allison Howell
Attorney Advisor
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, April 29, 2026 4:12 PM
To: Allison Howell <Allison.Howell@fcc.gov>
Subject: RE: Meeting Takeaways

(b) (5)

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Wednesday, April 29, 2026 3:28 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Meeting Takeaways

Hi Alex,

(b) (5)

- (b) (5) [redacted]
- [redacted]

[redacted]

Thanks,
Allison Howell
Attorney Advisor
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

Kristi Thompson

From: Katie Gorscak
Sent: Monday, June 22, 2026 12:24 PM
To: Adam Jackman; Greg Watson; Allison Howell; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: Politico question on ABC ad campaign

(b) (5)

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Monday, June 22, 2026 12:22 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Politico question on ABC ad campaign

(b) (5) Thanks!

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Monday, June 22, 2026 12:20 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Politico question on ABC ad campaign

Adding additional inquiries we've received to this chain:

Fox News (Brian Flood)
I hope all is well. Does the FCC have any response to ABC's viewer awareness campaign regarding its ongoing FCC proceedings? They have launched ads about The View and early broadcast license renewals.

New York Times (Ben Mullin)
Hello! I'm just checking to see if Chairman Carr has any comment for this story:
https://www.nytimes.com/2026/06/22/business/media/the-view-fcc-abc-investigation.html

Bloomberg (Kelcee Griffis)
Can the FCC comment on ABC's ad spot campaign that began airing today, encouraging viewers to contribute to the FCC's dockets on ABC early license review and *The View* classification?

Washington Examiner (David Zimmermann)

This is David Zimmermann, a breaking news reporter for the *Washington Examiner*. Can the FCC comment on ABC's new ad campaign that asks *The View* audiences to support the network and daily talk show as they face scrutiny from the agency? If so, please let me know.

The Guardian (Jeremy Barr)
I wanted to see if Chairman Carr or the commission has a comment on ABC/Disney's new advertising campaign encouraging viewers to submit public comments supporting the network in the FCC's investigations: https://www.youtube.com/watch?v=lopjkfcvhk0

From: Katie Gorscak
Sent: Monday, June 22, 2026 11:31 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Politico question on ABC ad campaign

Flagging the below and we just received a request from Washington Post as well. (b) (5) [redacted]

Washington Post (Scott Nover)
Hi there — We are writing about ABC's ad campaign pushing back on the two FCC probes. Please let me know if you want to comment.

From: John Hendel <jhendel@politico.com>
Sent: Monday, June 22, 2026 11:00 AM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Politico question on ABC ad campaign

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Hi there,

ABC is today beginning to ask viewers to weigh in on the FCC proceedings involving "The View" and its license renewals. Any FCC comment we should add in on these new spots?

Thanks for any time checking!

All the best,

John Hendel
Technology Reporter | POLITICO
Cell/Signal: (b) (6) [redacted]
Email: jhendel@politico.com

X/Twitter: @JohnHendel

Kristi Thompson

From: Katie Gorscak
Sent: Monday, June 22, 2026 12:20 PM
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: Politico question on ABC ad campaign

Adding additional inquiries we've received to this chain:

Fox News (Brian Flood)
I hope all is well. Does the FCC have any response to ABC's viewer awareness campaign regarding its ongoing FCC proceedings? They have launched ads about The View and early broadcast license renewals.

New York Times (Ben Mullin)
Hello! I'm just checking to see if Chairman Carr has any comment for this story:
https://www.nytimes.com/2026/06/22/business/media/the-view-fcc-abc-investigation.html

Bloomberg (Kelcee Griffis)
Can the FCC comment on ABC's ad spot campaign that began airing today, encouraging viewers to contribute to the FCC's dockets on ABC early license review and *The View* classification?

Washington Examiner (David Zimmermann)
This is David Zimmermann, a breaking news reporter for the *Washington Examiner*. Can the FCC comment on ABC's new ad campaign that asks *The View* audiences to support the network and daily talk show as they face scrutiny from the agency? If so, please let me know.

The Guardian (Jeremy Barr)
I wanted to see if Chairman Carr or the commission has a comment on ABC/Disney's new advertising campaign encouraging viewers to submit public comments supporting the network in the FCC's investigations: https://www.youtube.com/watch?v=lopjkfcvhk0

From: Katie Gorscak
Sent: Monday, June 22, 2026 11:31 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Politico question on ABC ad campaign

Flagging the below and we just received a request from Washington Post as well. (b) (5) [redacted]

Washington Post (Scott Nover)
Hi there — We are writing about ABC's ad campaign pushing back on the two FCC probes. Please let me know if you want to comment.

From: John Hendel <jhendel@politico.com>
Sent: Monday, June 22, 2026 11:00 AM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Politico question on ABC ad campaign

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Hi there,

ABC is today beginning to ask viewers to weigh in on the FCC proceedings involving "The View" and its license renewals. Any FCC comment we should add in on these new spots?

Thanks for any time checking!

All the best,

John Hendel
Technology Reporter | POLITICO
Cell/Signal: (b) (6)
Email: jhendel@politico.com
X/Twitter: @JohnHendel

Kristi Thompson

From: Will Wiquist
Sent: Friday, April 24, 2026 4:45 PM
To: Allison Howell; Greg Watson
Cc: Katie Gorscak; Adam Jackman
Subject: RE: Politico re: network/affiliate relationship and preemption - deadline noon Friday

FYI – Hendel added to this line of questioning with the below. (b) (5)

> Just double checking — any FCC comment on this initiative?
>
> Commissioner Gomez did raise some concern when I asked her office: "When the FCC's campaign to cancel Jimmy Kimmel failed thanks to the loud, public outcry from local communities, the agency quietly went looking for a censorship backdoor. That's why it is suddenly very interested in using affiliate broadcasters to indirectly pressure networks into dropping programming it dislikes."
>
> Any comment in response to that concern? Do politics factor into this agenda item and the interest in helping boost the affiliate broadcasters?

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Thursday, April 23, 2026 1:55 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: RE: Politico re: network/affiliate relationship and preemption - deadline noon Friday

(b) (5)

Allison Howell
Attorney Advisor
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Thursday, April 23, 2026 12:51 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: Politico re: network/affiliate relationship and preemption - deadline noon Friday

OCH – Please see Hendel's inquiry below asking if we have any further details on our work related to network/affiliate relationships. (b) (5)

From: John Hendel <jhendel@politico.com>
Sent: Thursday, April 23, 2026 11:23 AM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Politico check-in re: network/affiliate relationship and preemption

Hi all,

We may touch on the FCC's focus on network/affiliate relationships in some coverage heading into this weekend, specifically looking at the chairman's directional interest in preemption. At last month's press conference, Chairman Carr told me that the team is going through a menu of preemption-related options now (the exchange here).

Any update on this priority since then? Or any clearer sense of what near-term action might look like? I've talked to the chairman about it a few times in recent months but wanted to double check on the latest.

Tentative deadline would be noon Friday if anything you may want to add. Thanks for any time!

All the best,

John Hendel
Technology Reporter | POLITICO
Cell/Signal: (b) (6)
Email: jhendel@politico.com
X/Twitter: @JohnHendel

Kristi Thompson

From: Katie Gorscak
Sent: Thursday, May 14, 2026 10:01 AM
To: Brendan Carr (Internal); Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

See below for an additional inquiry on this topic that came in overnight. (b) (5) [redacted]

Deadline (Ted Johnson)
A group of more than 100 former ABC News journalists have signed on to an open letter supporting Disney in its filing last week over the equal time rule and The View. In the letter, they state, "ABC rightfully argues that the Trump administration is violating its free speech rights and creating a 'chilling effect' on First Amendment-protected speech through its regulatory action targeting *The View*. In its filing with the FCC, ABC argues the FCC has questioned talk shows critical of the president but not those conservative radio talk shows that have featured content supportive of the administration - making plain that this is political retaliation, not regulatory enforcement." I wanted to see if Chairman Carr or the Media Bureau have a comment beyond the statement from last week.

From: Katie Gorscak
Sent: Tuesday, May 12, 2026 3:40 PM
To: 'Brendan Carr (Internal)' <(b) (6) fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

(b) (5) [redacted]

-Katie

The Wrap (Corbin Bolies)
I hope you're well! I'm working on a story regarding Disney's letter to the FCC last week, and I wanted to see if the FCC had any comment on Disney's letter and comments commissioner Anna Gomez made to me, where she said the FCC's goal was to "inflict as much pain as possible to get it to capitulate" and that it was "part of the administration wide campaign to bring any perceived critics to heal and just to basically send a message to other broadcasters, speakers, critics, that this administration will come after them if they displease the administration, and if they don't cover this administration in a way that they want to be covered."

I also spoke to FIRE's Bob Corn-Revere, who called the FCC's early renewal demand a "blunder" that the chairman made because he "may have been just afraid his job would be at risk if he didn't do more than just talk."

I wanted to see if the FCC and the chairman had any response and could offer any background on why it took this action.

My deadline is **9 p.m. ET/6 p.m. PT today, May 12.** Thank you!

From: Katie Gorscak
Sent: Monday, May 11, 2026 4:07 PM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

Some additional inquiries on this.

Fox News Digital (Lindsay Kornick)
Hi, this is Lindsay from Fox News Digital. We are covering this report saying that FCC commissioner Anna Gomez sent a letter to Disney CEO Josh D'Amaro over the Trump administration's "campaign" of censorship against the corporation: https://www.wsj.com/business/media/fcc-commissioner-tells-disney-that-agency-is-on-campaign-to-censor-it-f4b78182

"What Disney and ABC are facing is not a series of coincidental regulatory actions but a sustained, coordinated campaign of censorship and control, carried out through the weaponization of the FCC's authority as a federal regulator and aimed at pressuring a free and independent press and all media into submission," Gomez wrote.

"You are not the first target of this campaign, and you will not be the last," Gomez wrote.

Does the FCC have a response to this letter being publicized or her accusations? Please respond by 5:00 PM ET.

Communications Daily (Monty Tayloe)
I was wondering if the Chairman's office has an response or comment on the letter to the Disney CEO that Commissioner Anna Gomez released today.

The Daily Mail (Alex Hammer)
My name is Alex Hammer and I'm a reporter with the Daily Mail. I wanted to let you know that we are writing a story on Ms Gomez's letter to Disney CEO Josh D'Amaro, as reported by the Wall Street Journal.
https://www.wsj.com/business/media/fcc-commissioner-tells-disney-that-agency-is-on-campaign-to-censor-it-f4b78182
Can you let me know if you have anything to add?

From: Katie Gorscak
Sent: Monday, May 11, 2026 1:31 PM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

Here are the latest inquiries on this:

Katie

CNBC (Stephen Desaulniers)

Hey there – please let us know if the FCC has any comment on this story: https://www.wsj.com/business/media/fcc-commissioner-tells-disney-that-agency-is-on-campaign-to-censor-it-f4b78182

Los Angeles Times (Meg James)
I'm writing a story about Commissioner Anna Gomez's letter to Disney Chief Executive Josh D'Amaro, accusing the FCC of conducting an unconstitutional pressure campaign. Does the agency, or Chairman Carr, have a response to her broadside?

Deadline (Ted Johnson)
I wanted to see if the FCC has any comment on Commissioner Gomez's letter to Disney DEO Josh D'Amaro. She posted the letter here: https://x.com/AGomezFCC/status/2053851522040218003?s=20

From: Katie Gorscak
Sent: Monday, May 11, 2026 11:42 AM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

Here are the latest inquiries on this topic, focused on Commissioner Gomez's statement/letter from this morning. (b) (5) [redacted]

Reuters (David Shepardson)
Do you want to comment re: Gomez letter?

Wall Street Journal (Joe Flint)
Please send any comment re: Gomez letter to Disney CEO Josh D'Amaro: https://www.wsj.com/business/media/fcc-commissioner-tells-disney-that-agency-is-on-campaign-to-censor-it-f4b78182?st=9mLaPU&reflink=desktopwebshare_permalink

NBC News (Daniel Arkin)
Good morning, Please let me know whether Chairman Carr and/or the FCC writ large has comment on this letter to the Disney CEO: https://www.wsj.com/business/media/fcc-commissioner-tells-disney-that-agency-is-on-campaign-to-censor-it-f4b78182

Variety (Todd Spangler)
Hi FCC Media Relations, Any comment on this? https://x.com/wsj/status/2053833772370452698?s=46

BBC America (Jonathan Josephs)
Dear Katie / Will and team
I hope you are well. I am with the business team at BBC News in London. Can you confirm the accuracy of this reporting by the WSJ please? If there any further comment the FCC would like to add?

ABC has been a victim of a "sustained, coordinated campaign of censorship and control" by the Trump administration, Federal Communications Commissioner Anna Gomez told Josh D'Amaro, chief executive of Disney, the network's parent company.

The FCC under Republican Chairman Brendan Carr has been weaponized to pressure "a free and independent press and all media into submission," Gomez wrote in a letter sent to D'Amaro on Monday and viewed by The Wall Street Journal.

https://www.wsj.com/business/media/fcc-commissioner-tells-disney-that-agency-is-on-campaign-to-censor-it-f4b78182

From: Katie Gorscak
Sent: Friday, May 8, 2026 4:44 PM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

And one more batch of inquiries.

CNN (Brian Stelter)
Hi there — I see a statement floating around from the FCC in response to ABC's letter. Can you send it over to me for CNN?

USA Today (Angele Latham)
Good afternoon! My name is Angele Latham, and I am the First Amendment reporter with USA Today, based in Tennessee. I am reaching out for comment on the recent filings by ABC regarding the FCC and The View.

Does Chairman Carr have anything he would like to state on the record regarding the matter?

Thanks so much! Have a great weekend!

Deadline (Ted Johnson)
I wrote about ABC's filing in The View equal time case. Was there a statement from the FCC that went out on this? Just wanted to be sure to include.

From: Katie Gorscak
Sent: Friday, May 8, 2026 3:26 PM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

(b) (5)

[redacted]

Los Angeles Times (Meg James)
We are writing about the petition that Disney's Houston station has filed, challenging the FCC on equal time rules and more broadly. Could you please respond to Disney's view that the FCC actions run counter to its goal of fostering free and fair debates, despite political view?

PEOPLE Magazine (Brenton Blanchet)
I'm an editor at PEOPLE, getting in touch regarding ABC's recent petition concerning the FCC and *The View*. Would you like to provide a statement on the matter? Thanks for your time.

Daily Beast (Owen Mason-Hill)
We are publishing a story about ABC's petition for a declaratory filing regarding *The View*'s interview with James Talarico, which they claim is protected under the bona fide news guarantee. Does the FCC have a comment they would like included in the article?

The New York Sun (Bradley Cortright)
I'm writing with The New York Sun, just wanted to see if the FCC had any comment on ABC's filing claiming that its investigation into "The View" has created a chill on its speech. Filing at 4pm

---

From: Brendan Carr (Internal) <(b) (6)fcc.gov>
Sent: Friday, May 8, 2026 3:11 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: Press inquiries NYT article/ABC and tensions between the agency and network

I would start to provide people with this statement, attributable to an FCC spokesperson:

Decades ago, Congress passed a law that generally prohibits broadcast television programs from putting a thumb on the scale in favor of one political candidate over another. Specifically, Congress put protections in place to ensure that covered programs offer legally qualified candidates for office (both Republican and Democrat) equal time on the public airwaves. The equal time law encourages more speech and empowers voters to decide the outcome of elections. The FCC will review Disney's assertion that 'The View' is a 'bona fide news program' and thus exempt from the political equal time rules.

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Friday, May 8, 2026 2:07 PM
To: Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

Additional inquiries received since my last update. -K

Associated Press (Jocelyn Noveck)

We wanted to see if there is any FCC comment on the filing from ABC concerning "The View" charging that the FCC is seeking to violate the network's protected free speech in the matter. Thank you very much.

The Guardian (Jeremy Barr)

Just wanted to see if Chairman Carr/the FCC has a response to KTRK TV/ABC's filing yesterday.

Entertainment Weekly (Wesley Stenzel)

I hope you're doing well. I'm a reporter with Entertainment Weekly, and I'm writing to ask if anyone from the FCC has any comment on ABC's recent petition for declaratory ruling on the matter of The View. In the petition, ABC's counsel claims that "The Commission's actions threaten to upend decades of settled law and practice and chill critical protected speech, both with respect to The View and more broadly." Thank you for your time.

Politico (John Hendel)

Hey all! Any comment on Disney's filing on The View? We'll be writing.

New York Post (Ariel Zilber)

I'm a reporter at the New York Post. I'm reaching out for comment regarding ABC's recent filing with the FCC accusing the commission of violating the network's free speech rights and having a "chilling effect" on political speech.

The filing, made public on Friday, was registered on behalf of an ABC station in Houston and involved a regulatory dispute over "The View." It was signed by Paul Clement, a former solicitor general under President George W. Bush and one of the most experienced Supreme Court litigators in the country. ABC's filing characterized the FCC's actions as an attempt to punish political content the agency disagreed with, potentially setting the stage for a broader legal battle between the network and the Trump administration.

I have a few questions:

- Does the FCC have any response to ABC's allegation that the commission is violating the network's free speech rights?
- Does the FCC deny that its actions have had a "chilling effect" on political speech?
- What is the basis for the FCC's regulatory action involving "The View" and the Houston station?
- Is the FCC selectively targeting ABC or any other network over political content?
- How does the FCC respond to the characterization that it is attempting to bring media organizations to heel on behalf of the administration?

I'm on deadline so a timely response would be greatly appreciated.

From: Katie Gorscak
Sent: Friday, May 8, 2026 12:59 PM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries NYT article/ABC and tensions between the agency and network

Latest batch:

Wall Street Journal (Joe Flint)

If there is any response to Disney filing please send our way.

Washington Post (Scott Nover)

Hi there, any comment on Disney's filing? https://www.fcc.gov/ecfs/document/10507899614175/1

Communications Daily (Monty Tayloe)

I was wondering if the Chairman or the Chairman's office has any comment on this filing from ABC and specifically the part where it says the FCC encouraged other texas ABC affiliates to put equal time filings on the Talarico appearance in their public files to avoid enforcement but didn't do the same for KTRK.

I'm at (b) (6) if you want to talk.

The Verge (Lauren Feiner)

I'm a reporter for The Verge reaching out for comment on the ABC petition for declaratory ruling made public today. Can you please let me know if you have a response to share? Please note I cannot accept background information without prior agreement, and need a named spokesperson for any statement.

Forbes (Antonio Pequeño IV)
Does the FCC have any comment to share on the ABC lawsuit accusing the agency of First Amendment violations? Would appreciate a response or no comment as soon as possible.

The Hill (Dominick Mastrangelo)

Let me know if the FCC is going to have any comment or response to this filing from ABC:
https://www.fcc.gov/ecfs/document/10507899614175/1

Josh Levs (They Stand Corrected Podcast)

For the podcast and newsletter linked in my signature, I'm looking for the LOI and SLOI mentioned in this new legal filing:

https://www.fcc.gov/ecfs/document/10507899614175/1 Could you please send it to me right away?

From: Katie Gorscak
Sent: Friday, May 8, 2026 12:18 PM
To: Brendan Carr (Internal) <(b) (6) fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell

<Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Press inquiries NYT article/ABC and tensions between the agency and network

Good afternoon, Chairman and team:

(b) (5) [redacted]

Fox News Digital (Joseph Wulfsohn)

I hope you're doing well. I was wondering if the FCC had a response to ABC's comments about the current tensions between the agency and the network. https://www.nytimes.com/2026/05/08/business/media/abc-fcc-first-amendment-the-view.html

CBS News (Marc Schwartz)

I'm writing from the CBS News National Desk. I'm reaching regarding a filing ABC submitted to the Federal Communications Commission, made public Friday, in which the network argues the agency has had a "chilling effect" on free speech by seeking to penalize political content it disagreed with. Any response you could provide would be greatly appreciated.

Variety (Todd Spangler)

Hi FCC Media Relations, Any comment on this?

NBC News (Daniel Arkin)

Any comment from the FCC on this new filing? https://www.fcc.gov/ecfs/document/10507899614175/1

-Katie

Kristi Thompson

From: Katie Gorscak
Sent: Tuesday, June 23, 2026 10:19 AM
To: Brendan Carr (Internal); Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: Press Inquiries re: ABC awareness campaign of ongoing FCC proceeding

Good morning, Chairman and team:

Here are a few others that have come in late yesterday/early today. (b) (5) – K

Newsmax (Andrew Craft)
I was wondering if I could get a statement before 10am ET (if possible) on how the FCC and Chairman Carr are responding to ABC's "The View" running spots urging their viewers to call the FCC. What is the FCC's response to this latest gambit in the ongoing battle with ABC?

MS NOW (Erum Salam)
For MS NOW, can the FCC **please comment on the advertisement campaign ABC is running today, urging viewers to push back on your agency,** its equal-time investigation and license renewal application requirements?
One ad says: *"'The View' has welcomed your favorite guests and covered the issues you care about for nearly thirty years. Now the FCC wants to control who is allowed to appear on the show."*

ARS Technica (Jon Brodkin)
Hi, I have a question about the FCC statement that has been reported by several news outlets. It says: "Disney wants the FCC to classify 'The View' as a 'bona fide news program.' And it has chosen to run a campaign of misinformation to make its case—misleading viewers about the law. That is a choice." Is that the full statement? Can you explain exactly how the ABC campaign is "misinformation"? Which exact statement from ABC is misinformation and how is it inaccurate? Thank you.

From: Katie Gorscak
Sent: Monday, June 22, 2026 2:56 PM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press Inquiries re: ABC awareness campaign of ongoing FCC proceeding

(b) (5)

NBC News (Austin Mullen)
Could you provide me with a statement regarding the TV spots airing on ABC regarding 'The View' being classified as a "bona fide news program"? Thanks so much for your help.

The Independent (Carsen Holaday)
I'm a reporter with The Independent looking into ABC's recent TV spot that encourages viewers to file a public comment with the FCC. Link here: https://abc.com/news/3a80ab87-7fb6-4af4-a767-167e4950ef16/category/1138628

Does the FCC have any response to the message?
Is the FCC aiming to control the guests on The View, like the spot said?

Any information is appreciated. Thanks so much.

From: Katie Gorscak
Sent: Monday, June 22, 2026 1:08 PM
To: Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press Inquiries re: ABC awareness campaign of ongoing FCC proceeding

Please see some additional inquiries that have come in. -K

Wall Street Journal (Joe Flint)
This morning ABC is launching a campaign on its stations this morning encouraging viewers to contact the FCC regarding your probes into their broadcast licenses and inquiry into whether The View should have a bona fide news exemption to equal time. The spots, in a nutshell, say the FCC wants to tell us who we can have on the air (The View) and the FCC is threatening to take us off the air.

If you have any comment let me know and we will add to any story we do.

Reuters (David Shepardson)
The View FCC Public Comments Any comment On the ABC campaign?

From: Katie Gorscak
Sent: Monday, June 22, 2026 12:29 PM
To: Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Press Inquiries re: ABC awareness campaign of ongoing FCC proceeding

Good afternoon, Chairman:

Please see below for the inquiries we've received thus far regarding the ABC awareness campaign of our ongoing proceeding. Here is the ad: https://www.youtube.com/watch?v=lopjkfcvhk0

-Katie

Fox News (Brian Flood)
I hope all is well. Does the FCC have any response to ABC's viewer awareness campaign regarding its ongoing FCC proceedings? They have launched ads about The View and early broadcast license renewals.

New York Times (Ben Mullin)
Hello! I'm just checking to see if Chairman Carr has any comment for this story:
https://www.nytimes.com/2026/06/22/business/media/the-view-fcc-abc-investigation.html

Politico (John Hendel)
ABC is today beginning to ask viewers to weigh in on the FCC proceedings involving "The View" and its license renewals. Any FCC comment we should add in on these new spots?

Washington Post (Scott Nover)

Hi there — We are writing about ABC's ad campaign pushing back on the two FCC probes. Please let me know if you want to comment.

Bloomberg (Kelcee Griffis)
Can the FCC comment on ABC's ad spot campaign that began airing today, encouraging viewers to contribute to the FCC's dockets on ABC early license review and *The View* classification?

Washington Examiner (David Zimmermann)
This is David Zimmermann, a breaking news reporter for the *Washington Examiner*. Can the FCC comment on ABC's new ad campaign that asks *The View* audiences to support the network and daily talk show as they face scrutiny from the agency? If so, please let me know.

The Guardian (Jeremy Barr)
I wanted to see if Chairman Carr or the commission has a comment on ABC/Disney's new advertising campaign encouraging viewers to submit public comments supporting the network in the FCC's investigations: https://www.youtube.com/watch?v=lopjkfcvhk0

Deadline (Ted Johnson)
ABC this morning launched a new series of ads urging public comment in The View proceeding as well as the ABC station renewal proceeding. I wanted to see if the FCC has any comment.

Kristi Thompson

From: Katie Gorscak
Sent: Thursday, May 28, 2026 5:06 PM
To: Greg Watson; Brendan Carr; Adam Jackman; Katie McAuliffe; Allison Howell
Cc: Will Wiquist
Subject: RE: Press inquiries re: Disney filing today

(b) (5)

From: Greg Watson <Gregory.Watson@fcc.gov>
Sent: Thursday, May 28, 2026 5:04 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Re: Press inquiries re: Disney filing today

(b) (5) [redacted]

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From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Thursday, May 28, 2026 4:51 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries re: Disney filing today

+ Allison.

Bloomberg (Kelcee Griffis)
We noticed that all of the Disney-owned ABC stations show a license expiration date of today. Can the FCC confirm if that is an error, and/or explain why the date is rendering that way? When was it changed?

From: Katie Gorscak
Sent: Thursday, May 28, 2026 4:46 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Press inquiries re: Disney filing today

Chairman and staff:

This is the chain where I'll add additional press inquiries on the Disney filing from this afternoon. (b) (5) [redacted]

-Katie

Associated Press (Steve Sloan)
Steven Sloan with the AP here. I understand ABC filed the eight license renewal applications today and included a public interest exhibit that pushes back on the early renewal requests, calling the order "unlawful, arbitrary and unconstitutional."
Just wanted to see if you have any comment or response to that?

New York Times (Jim Rutenberg)
Any comment on the ABC filing or any guidance to be offered on process?

Politico
Any statement on this? They've got some strong words in there for the FCC order: https://enterpriseefiling.fcc.gov/dataentry/public/tv/draftCopy.html?displayType=html&appKey=25076f919df5a492019df87d8b5c00ce&id=25076f919df5a492019df87d8b5c00ce&goBack=N. We're pulling together a write-up on these now. Thanks!

CNBC (Ryan Ruggiero)
We saw a headline that Disney responded to the FCC. I searched the website, and I can't find it. Do you know where I should look?

Kristi Thompson

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 11:30 AM
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: Press inquiries re: Jimmy Kimmel comments

Note: Changing the subject line of this to reflect these are additional inquiries on this topic.

Business Insider (James Faris)
I'm writing about the latest Jimmy Kimmel controversy and wanted to get an updated comment from the FCC after Kimmel's show last night. Let me know if there's a comment. Thanks!

Interview Request: Religion News Service (Fiona Andre)
Hi FCC press team, For Religion News Service, I'm reaching out for comments on the National Religious Broadcasters' request that the FCC open an investigation into ABC TV over Jimmy Kimmel's jokes about Melania Trump. Is someone available for a brief interview, or would you like to provide a statement I can include in the story? I'm available for an interview at 1 p.m. ET. My deadline for the story is 4 pm ET.

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 9:47 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here are the latest inquiries on this topic.

NBC News (Daniel Arkin)

Does the FCC and/or Chairman Carr have comment on:

- The criticism of Jimmy Kimmel from POTUS and FLOTUS
- POTUS' calls for Kimmel's firing from ABC
- Kimmel's response to the criticism on last night's "JKL!"

USA Today (BrieAnna Frank)
My name is BrieAnna Frank, and I'm a First Amendment reporter at USA TODAY. Reaching out because I'm working on a story about the controversy over Jimmy Kimmel's remarks about First Lady Melania Trump ahead of the WHCD shooting.

Both President and Mrs. Trump have called for ABC to take action against Kimmel. I was hoping the FCC could confirm if Chairman Carr is pursuing any action against ABC over his comments last week. Does Chairman Carr have any comment on this controversy?

Any information or context the FCC would like to provide for this story by 12 p.m. ET would be much appreciated. Thank you!

Newsweek (Amanda Castro)
My name is Amanda Castro, an editor from Newsweek, and I am reaching out to request comment from the Federal Communications Commission regarding public concerns raised about recent remarks made by ABC late-night host Jimmy Kimmel.
Several elected officials and public figures have questioned whether the segment in which Mr. Kimmel referenced the First Lady and the President could fall under any area of FCC review or broadcast-standards scrutiny.
To assist with our reporting, could you please address the following:

- Does the FCC have any role in evaluating complaints related to this segment or similar late-night broadcast content?
- Has the FCC received any complaints regarding Mr. Kimmel's recent remarks?
- Is Mr. Kimmel or ABC under any form of review, inquiry, or potential disciplinary consideration by the FCC at this time?
- More broadly, how does the FCC assess concerns about rhetoric involving public officials when aired on broadcast television?

Any on-the-record comment or guidance you can provide would be greatly appreciated.

Newsweek (Khaleda Rahman)
President Trump and the First Lady have both called for ABC to fire Jimmy Kimmel over a joke he made about the First Lady last week, in the wake of Saturday's shooting:
https://www.newsweek.com/jimmy-kimmel-melania-trump-correspondents-dinner-donald-11883026

Does the FCC and/or Chairman Brendan Carr have any comment or a statement in response to this?
Does the FCC support the president's call for Kimmel to be fired or taken off air?

Has the FCC received any complaints about this?
Will it be investigating the matter?

Independent Media (Thomas Murray)
My name is Tom Murray and I'm the US Culture & Lifestyle News Editor for The Independent. I'm getting in touch because we're covering the news that the National Religious Broadcasters Association (NRB) has filed a complaint with the Federal Communications Commission, asking it to investigate Jimmy Kimmel's joke about First Lady Melania Trump having "the glow of an expectant widow." Can the FCC confirm receipt of this complaint and whether it plans to action an investigation into Kimmel?

Communications Daily (Monty Tayloe)
I'm writing something for Communications Daily about President Trump and the First Lady calling for Jimmy Kimmel to be fired, and I was wondering if Chairman Carr has any comment about that, on whether the FCC will act, or if he has any comment on the attempted attack on WHCA dinner in general.

From: Katie Gorscak
Sent: Monday, April 27, 2026 1:52 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here's the latest batch of inquiries on this topic.

Fox (Kevin Gora)
Does the FCC have anything to add in comment on top of the First Lady's comments reacting to Jimmy Kimmel's comments on the White House Correspondent's Dinner.
https://x.com/FLOTUS/status/2048769128513585618?s=20

Sorry for the spam but wanted to follow up after Trump's latest Truth Social post calling ABC/Disney to fire Jimmy Kimmel. Please let me know if you have a statement on this or if the Chairman supports this demand.
https://truthsocial.com/@realDonaldTrump/posts/116477838570626860

Bloomberg (Kelcee Griffis)
Checking in to see if the chairman's office can comment on Jimmy Kimmel's remarks about the president and First Lady on ABC, which prompted the First Lady to call for action against the network. Do Kimmel's comments in connection with the White House Correspondents Dinner rise to the level of federal intervention? Will the FCC investigate them?

Deadline (Ted Johnson)
I wanted to see if Chairman Carr has any comment about the First Lady's post on Jimmy Kimmel.

From: Katie Gorscak
Sent: Monday, April 27, 2026 12:01 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here are some additional inquiries on this topic.

Hollywood Reporter (Alexander Weprin)
Good morning, given Melania Trump's post this morning about Jimmy Kimmel, I wanted to see if the FCC is planning any sort of inquiry into the matter.

Politico (John Hendel)
We saw the First Lady just raised concerns about Jimmy Kimmel's recent remarks ahead of the WHCD and noted: "People like Kimmel shouldn't have the opportunity to enter our homes each evening to spread hate."

Any comment from the FCC on this? Kimmel also mentioned the chairman (and in pretty blunt terms). Is there a regulatory role here to address any of the concerns? Has there been any discussion with the First Lady's office or other folks in the White House to that end?

That would have been my next question to the chairman as he was leaving the NTCA conference this morning — thanks for any time if you can say!

From: Katie Gorscak
Sent: Monday, April 27, 2026 9:14 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>

Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Press inquiry from Newsmax: Jimmy Kimmel comments

Good morning, OCH:

See below for a press inquiry from NewsMax regarding comments made by Jimmy Kimmel regarding the shooting on Saturday.

(b) (5) [redacted]

Regards,

Katie

From: Heather Myers <heathermyerstv@gmail.com>
Sent: Sunday, April 26, 2026 8:53 PM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Reporter on deadline

You don't often get email from heathermyerstv@gmail.com. Learn why this is important

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

My name is Heather Myers, correspondent from Newsmax. I am reaching out regarding Jimmy Kimmel and a recent monologue where he was mocking the White House Correspondent Dinner and pretending to say to the first lady, "Mrs. Trump, you have a glow like an expectant widow."
These remarks came shortly before a gunman was accused of running past security with the intent to kill members of the Trump administration at the dinner.
What does the FCC have to say about Jimmy Kimmel's comments? Where is the line between free speech and provoking violence?
Does the FCC have any statement to make regarding Jimmy Kimmel's comments?

I am on deadline-

Heather Myers
Newsmax
858-472-7053

Kristi Thompson

From: Adam Jackman
Sent: Tuesday, April 28, 2026 7:01 PM
To: Katie Gorscak; Brendan Carr (Internal); Will Wiquist; Greg Watson; Allison Howell; Katie McAuliffe
Subject: RE: Press inquiries: Disney License review

Thanks Katie! (b) (5)

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Tuesday, April 28, 2026 7:00 PM
To: Brendan Carr (Internal) <(b) (6)fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Subject: Re: Press inquiries: Disney License review

(b) (5)

Katie

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From: Brendan Carr (Internal) <(b) (6)fcc.gov>
Sent: Tuesday, April 28, 2026 6:54 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Subject: Re: Press inquiries: Disney License review

(b) (5) here's something that can be sent out from an FCC spokesperson:

"As the agency decision makes clear, the early renewal order is based on a long running FCC investigation into Disney's DEI conduct, not any speech."

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From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Tuesday, April 28, 2026 6:09:10 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie

McAuliffe <Katie.McAuliffe@fcc.gov>
Subject: RE: Press inquiries: Disney License review

NBC News (Daniel Arkin)
Does the FCC have comment on the criticism of the Disney order via organizations such as FIRE, Pen America, Reporters Without Borders, the Knight First Amendment Institute, et al.?

News Nation (Nancy Rogers)
I am writing from NewsNation. We are seeing here that the FCC has ordered early license renewals of ABC affiliates. What is the reason for this? Does it have something to do with DEI practices? Any details you can provide are greatly appreciated.

Law360 (Chris Cole)
Hi, could we get any comment from Chairman Carr's office on this statement by Commissioner Gomez:

"This is the most egregious action this FCC has taken in violation of the First Amendment to date. As part of its ongoing campaign of censorship and control, the White House called publicly for the silencing of a vocal critic, and this FCC has now answered that call. This is an unprecedented and politically motivated attempt to interfere with how broadcasters operate, and this unlawful overreach will fail. This should be a lesson to media companies that no amount of capitulation to this Administration will buy them protection. The only choice is to stand up and stand firm in defense of the First Amendment."

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Tuesday, April 28, 2026 5:22 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Subject: RE: Press inquiries: Disney License review

Politico (John Hendel)
We're likely doing a follow-up story later today trying to contextualize the ABC license renewal announcement. Any FCC comment on the idea that this may be political? Jeff Westling, for instance, told me that he doesn't think anybody will buy that the DEI investigation is an "excuse" for doing this now: "The real issue here is that the president doesn't like the coverage, and the FCC is acting. And that's not a good thing for free speech." Andy Schwartzman also suggested this will take years and with limited immediate legal recourse for ABC, which he says is the point of this all. How do you see the license renewal fitting into the chairman's overall media agenda? Is he planning to call up other licenses early? How early was the FCC beginning the process of doing this?

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Tuesday, April 28, 2026 4:57 PM
To: Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries: Disney License review

NewsNation (Guerin Hays)
I'm reaching out on behalf of NewsNation. Can you confirm that the FCC is reviewing ABC's broadcast license?
Do you have a statement and does this have to do with Late night host, Jimmy Kimmel's recent comments about the First Lady?

FCC Orders a Review of ABC's Licenses Amid Feud Between Trump and Kimmel - The New York Times

The agency said the review was related to the network's diversity and inclusion policies. But it came amid a fight between the president and the network's late night host, Jimmy Kimmel.

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 2:59 PM
To: 'Brendan Carr (Internal)' <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries: Disney License review

Sharing the latest to come in. (b) (5) [redacted]

-Katie

Variety (Todd Spangler)
Can you confirm this?: The FCC is officially calling in Disney's broadcast licenses for early renewal, citing the public interest standard and "the agency's prohibition on unlawful discrimination."

"Disney's ABC is hereby directed to file license renewals for all of their licensed TV stations within 30 days--in other words, by May 28, 2026," the FCC writes.

https://x.com/alexweprin/status/2049192593917890729

Newsmax (Andrew Craft-followed up by phone)
Looking to confirm reports that Chairman Carr is looking to review Disney's broadcast license in the wake of yet another dust-up between Jimmy Kimmel and the Trumps. Will an expedited review process be taking place in the wake of Kimmel's joke about the First Lady?

CNBC (Ryan Ruggiero)
I hope you are doing well and having a great day! We are seeing a report that you are asking Disney to refile license renewals for its stations. Do you have a statement on that or a copy of a letter sent to them?

CBS News (Mark Schwartz)
Can you confirm / provide an official announcement regarding the report that the FCC is officially calling in Disney's broadcast licenses for early renewal? Any information that you could provide would be greatly appreciated.

Philadelphia Inquirer (Rob Tornhoe) – second request
Hey guys, I was wondering if you could forward me a copy of the letter the FCC sent to Disney indicating the agency is calling in the company's broadcast licenses for early renewal. Any background information would be greatly appreciated. Best place to reach me is here or on my cell: (b) (6) [redacted]

Deadline (Ted Johnson)
Would you have the filing on the Disney station renewals?
Communications Daily (Monty Tayloe)
Can I get a copy of this Order? https://x.com/alexweprin/status/2049195922085531941

Forbes (Antonio Pequeño IV)
Antonio here with Forbes' breaking news desk. Hope all is well. I'm reaching out to see if the FCC has any comment on

multiple reports stating it plans to review Disney's broadcast licenses. Is this at all linked to Jimmy Kimmel's recent monologue? Would appreciate a response as soon as possible.

NPR (Matteen Mokalla)

We have read several reports this morning indicating that the FCC is preparing "call in all of the TV station licenses for Disney/ABC for early renewal." Is this news correct? If so, on what basis? Does the FCC have any comment and might any of the FCC's commissioners be available for a short interview? We plan to go to air at 4:35 pm eastern with our story. We hope to hear from you soon!

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 1:50 PM
To: Brendan Carr (Internal) <(b) (6)fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries: Disney License review

Adding the Chairman to this chain as well. I will continue to add these in groups every hour or so as they come in. We're up to 32 inquiries thus far.

-Katie

MS Now (Arielle Hixson)

Writing to confirm for MSNOW - is the FCC preparing to "call in all of the TV station licenses for Disney/ABC for early renewal?"
Also was this action tied to ABC late-night host Jimmy Kimmel's recent joke about first lady Melania Trump?
Do you have a statement in reaction to this?

Law 360 (Chris Cole)

Good afternoon, does the FCC wish to comment on this D.C. Circuit petition? Is there any update on the FCC's consideration of the underlying petition?
Also, related, will Chairman Carr make any comment on this post from Commissioner Gomez about early license reviews? https://x.com/AGomezFCC/status/2049140805965893655?s=20

Daily Wire (Jacob Wheeler)

My name is Jacob Wheeler, and I'm a reporter with The Daily Wire. We're hoping to get an interview with Chairman Carr/FCC statement confirming that the FCC will challenge Disney-owned TV licenses.
https://www.foxnews.com/media/fcc-call-disney-stations-early-license-review-wake-latest-issue-abc-jimmy-kimmel

Daily Wire (Mary Margaret Olohan)

Good afternoon - Can the FCC confirm that it will issue an order today directing Disney's television stations to file broadcast license renewals ahead of schedule? We'd love to work with you all on this and break that news if possible. My cell is 5402702904.

TMZ (Ryan Parker-also left a voicemail)

Reaching out for comment on the report that the FCC chairman has directed Disney-owned TV stations to file early license renewals … and this allegedly is a retaliatory move against Jimmy Kimmel and his recent joke about the First Lady? Any comment or background guidance we should add? Thank you for your time.

Philadelphia Inquirer (Rob Tornoe)

Hey guys, working on a story about the FCC's expected early review of ABC's locally owned and operated stations, since Philly is among those that would be impacted. Any information you could provide (background is fine) would be helpful.

Specifically, I'm interested in what a review actually entails and the reason for the early review. Also, does the FCC have a response/statement? Best place to reach me is here or on my cell: (b) (6)

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 12:46 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries: Disney License review

USA Today (Chris Brennan)
Is the FCC currently considering an early license review for broadcast licenses held by ABC-Disney? If so, can you tell me why that is under consideration? My deadline is 3 p.m. today. Thanks.

CBS News (Megan Cerullo)
I am reaching out from CBS News seeking confirmation that the FCC is directing Disney-owned-and-operated television stations to file their broadcast license renewals early. Is this accurate, and does the FCC have comment to share?

New York Times (Cecilia Kang)
Following up on the Semafor story on Chairman Carr's opening of review to revoke Disney licenses. Can you confirm and/or provide guidance?

Daily Beast (Josh Fiallo)
My name is Josh Fiallo, and I am a reporter at the Daily Beast. I am reaching out to see if the FCC has any comment on reports by CNN and Semafor that claim the commission is planning to file paperwork as early as this afternoon that will challenge Disney's licenses for its eight ABC stations. If the FCC has any comment, I will include it in my own article on the matter.

AFP News (Thomas Urbain)
I'm a reporter from the AFP news organization. Would the FCC confirm that it is launching a review of Disney's broadcast licenses for ABC stations ?

BBC News North America (Madeline Halpert)
I'm a reporter with the BBC in the US. I'm seeing reports that the FCC is planning to file paperwork today to challenge Disney's eight licenses for its eight ABC stations. Are you able to confirm this, and can you share any comment on whether the move is related to late-night host Jimmy Kimmel's comments about the First Lady this week?

Washington Post (Scott Nover)
Hi there, do you have anything for me on reports that the FCC is calling in Disney and ABC licenses for early review? Is this related to Trump's criticism of Jimmy Kimmel? Thank you.

Newsweek (Hollie Silverman)
Can you confirm that the FCC will be reviewing licenses for all ABC/Disney owned channels following the latest comments from Jimmy Kimmel about the First Lady? Is there any statement the FCC has about the latest comments?

ARS Technica (Jon Brodkin)
Hi, can you confirm whether it's accurate, as Fox News reported, that the FCC "is expected to call the licenses of Disney for early license review as soon as Tuesday," and that "Disney-owned ABC affiliates will have to prove to FCC Chairman Brendan Carr that they have been operating in the public interest. The licenses are not up for renewal for several years, but the FCC plans unprecedented action to accelerate their renewal on the heels of Jimmy Kimmel's

controversial 'expectant widow' comment last week that prompted President Donald Trump and first lady Melania Trump to call for termination."

Is this report accurate, and if so, what are the reasons for the license review? Thank you.

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 11:36 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiries: Disney License review

Fox Business (Kevin Gora)
Can you confirm this report that the FCC is set to review Disney's TV licenses? Can you provide a comment on it? https://www.semafor.com/article/04/28/2026/fcc-prepares-review-of-disneys-tv-licenses

Newsmax (Andrew Craft)
Looking to confirm reports that Chairman Carr is looking to review Disney's broadcast license in the wake of yet another dust-up between Jimmy Kimmel and the Trumps. Will an expedited review process be taking place in the wake of Kimmel's joke about the First Lady?

Reuters (David Shepardson)
Do you want to comment on possibility of FCC reviewing Disney/ABC broadcast licenses ahead of schedule? Or whether the FCC will review Kimmel remarks?

Financial Times (Anna Nicolaou)
I wanted to check in on a Semafor report regarding the FCC potentially moving toward a review of Disney's broadcast licenses. Specifically, they report that: "The Federal Communications Commission is moving toward a review of Disney's broadcast licenses, according to people familiar with the matter…"

I wondered if you could let me know whether this is accurate, or if the FCC has any comment on this. I'm working on a follow-up for the FT, so any guidance you can share would be really helpful.

Communications Daily (Monty Tayloe)
I'm working on something about the FCC having authority to call licenses in for early review before their renewals are due, and I was wondering if Chairman Carr has any comment on the basis for the agency's authority to do that, the recent Bridge News filing, or this Semafor story about Disney.

Politico (Gregory Svirnovskiy)
Gregory Svirnovskiy from POLITICO here, reaching out because I'm following up on reporting that the FCC is getting ready to review Disney's TV licenses in the wake of Jimmy Kimmel's latest rhetoric that has drawn criticism from the White House. Is your team able to confirm that for me and perhaps send along a statement? I really appreciate your help on this,

The Hill (Dominick Mastrangelo)
Wondering if someone at the FCC might be able to confirm any of this, if even on background: https://www.semafor.com/article/04/28/2026/fcc-prepares-review-of-disneys-tv-licenses Could cite a source at the FCC or even a person familiar.

Deadline (Ted Johnson)
Left me a voicemail asking about this.

LateNighter.com (Matt Webb Mitovich)
Good morning, please let me know if your office has comment on Semafor's reporting that the FCC is taking steps toward an early review of Disney-ABC broadcast licenses.

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 10:22 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Press inquiries: Disney License review

We're getting a lot of incoming on this. (b) (5) [redacted]

Katie

Fox News (Patrick Ward)
Are you able to confirm reporting that the Federal Communications Commission is moving toward a review of Disney's broadcast licenses? Any statement on the matter you can provide?

NBC News (Nick Konopka)
I am reaching out from NBC News in Washington to inquire about a report that the FCC is taking steps to review the television licenses of The Walt Disney Company. Are you able to confirm that the Commission is looking to review Disney's licenses? If so, what are the parameters of the review, and was there a specific incident that triggered the steps toward a review? Anything you have on this would be helpful.

NBC News (Daniel Arkin)
Relatedly, can you confirm this report? Background sourcing is fine if necessary.
https://www.semafor.com/article/04/28/2026/fcc-prepares-review-of-disneys-tv-licenses

CNBC (Lillian Rizzo)
I'm a media reporter with CNBC and am following up on the recent report that the FCC is preparing a review of Disney's broadcast licenses. Please let me know if there's any statement or comment regarding the matter. My deadline is imminent.

The Wrap (Corbin Bolies)
I hope you're well. I'm reaching out to see if the FCC could confirm if this story is accurate:

https://www.semafor.com/article/04/28/2026/fcc-prepares-review-of-disneys-tv-licenses

Bloomberg (Chris Palmeri)
Semafor is reporting that you're moving toward a review of Disney's ABC license stations due to the presence complaints about their content is that accurate? Please let us know as soon as possible 213-706-9512.

Reuters (Anhata Rooprai)
Reaching out on behalf of Reuters is seeking comment regarding a Semafor report stating that the Commission is moving toward an early review of broadcast licenses held by Disney-owned ABC stations.
Could the Commission clarify:

- Whether a formal review process has been triggered or is under active consideration.
- The specific regulatory grounds for such a review, particularly in light of Chairman Carr's recent comments on "character qualifications."

- Whether recent administrative complaints regarding ABC's late-night programming have any bearing on these internal discussions.

Please also provide any additional details that you can share. We are on a deadline and would appreciate a prompt response.

MT Newswires (Tim Weatherhead)

This is a request for comment regarding a recent Semafor story stating that the FCC is moving toward a review of Disney's broadcast licenses. Thank you.

Kristi Thompson

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 9:47 AM
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here are the latest inquiries on this topic.

NBC News (Daniel Arkin)

Does the FCC and/or Chairman Carr have comment on:

- The criticism of Jimmy Kimmel from POTUS and FLOTUS
- POTUS' calls for Kimmel's firing from ABC
- Kimmel's response to the criticism on last night's "JKL!"

USA Today (BrieAnna Frank)
My name is BrieAnna Frank, and I'm a First Amendment reporter at USA TODAY. Reaching out because I'm working on a story about the controversy over Jimmy Kimmel's remarks about First Lady Melania Trump ahead of the WHCD shooting.

Both President and Mrs. Trump have called for ABC to take action against Kimmel. I was hoping the FCC could confirm if Chairman Carr is pursuing any action against ABC over his comments last week. Does Chairman Carr have any comment on this controversy?

Any information or context the FCC would like to provide for this story by 12 p.m. ET would be much appreciated. Thank you!

Newsweek (Amanda Castro)
My name is Amanda Castro, an editor from Newsweek, and I am reaching out to request comment from the Federal Communications Commission regarding public concerns raised about recent remarks made by ABC late-night host Jimmy Kimmel.
Several elected officials and public figures have questioned whether the segment in which Mr. Kimmel referenced the First Lady and the President could fall under any area of FCC review or broadcast-standards scrutiny.
To assist with our reporting, could you please address the following:

- Does the FCC have any role in evaluating complaints related to this segment or similar late-night broadcast content?

- Has the FCC received any complaints regarding Mr. Kimmel's recent remarks?

- Is Mr. Kimmel or ABC under any form of review, inquiry, or potential disciplinary consideration by the FCC at this time?

- More broadly, how does the FCC assess concerns about rhetoric involving public officials when aired on broadcast television?

Any on-the-record comment or guidance you can provide would be greatly appreciated.

Newsweek (Khaleda Rahman)
President Trump and the First Lady have both called for ABC to fire Jimmy Kimmel over a joke he made about the First Lady last week, in the wake of Saturday's shooting:
https://www.newsweek.com/jimmy-kimmel-melania-trump-correspondents-dinner-donald-11883026

Does the FCC and/or Chairman Brendan Carr have any comment or a statement in response to this?
Does the FCC support the president's call for Kimmel to be fired or taken off air?

Has the FCC received any complaints about this?
Will it be investigating the matter?

Independent Media (Thomas Murray)
My name is Tom Murray and I'm the US Culture & Lifestyle News Editor for The Independent. I'm getting in touch because we're covering the news that the National Religious Broadcasters Association (NRB) has filed a complaint with the Federal Communications Commission, asking it to investigate Jimmy Kimmel's joke about First Lady Melania Trump having "the glow of an expectant widow." Can the FCC confirm receipt of this complaint and whether it plans to action an investigation into Kimmel?

Communications Daily (Monty Tayloe)
I'm writing something for Communications Daily about President Trump and the First Lady calling for Jimmy Kimmel to be fired, and I was wondering if Chairman Carr has any comment about that, on whether the FCC will act, or if he has any comment on the attempted attack on WHCA dinner in general.

From: Katie Gorscak
Sent: Monday, April 27, 2026 1:52 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here's the latest batch of inquiries on this topic.

Fox (Kevin Gora)
Does the FCC have anything to add in comment on top of the First Lady's comments reacting to Jimmy Kimmel's comments on the White House Correspondent's Dinner.
https://x.com/FLOTUS/status/2048769128513585618?s=20

Sorry for the spam but wanted to follow up after Trump's latest Truth Social post calling ABC/Disney to fire Jimmy Kimmel. Please let me know if you have a statement on this or if the Chairman supports this demand.
https://truthsocial.com/@realDonaldTrump/posts/116477838570626860

Bloomberg (Kelcee Griffis)
Checking in to see if the chairman's office can comment on Jimmy Kimmel's remarks about the president and First Lady on ABC, which prompted the First Lady to call for action against the network. Do Kimmel's comments in connection with the White House Correspondents Dinner rise to the level of federal intervention? Will the FCC investigate them?

Deadline (Ted Johnson)
I wanted to see if Chairman Carr has any comment about the First Lady's post on Jimmy Kimmel.

From: Katie Gorscak
Sent: Monday, April 27, 2026 12:01 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here are some additional inquiries on this topic.

Hollywood Reporter (Alexander Weprin)
Good morning, given Melania Trump's post this morning about Jimmy Kimmel, I wanted to see if the FCC is planning any sort of inquiry into the matter.

Politico (John Hendel)
We saw the First Lady just raised concerns about Jimmy Kimmel's recent remarks ahead of the WHCD and noted: "People like Kimmel shouldn't have the opportunity to enter our homes each evening to spread hate."

Any comment from the FCC on this? Kimmel also mentioned the chairman (and in pretty blunt terms). Is there a regulatory role here to address any of the concerns? Has there been any discussion with the First Lady's office or other folks in the White House to that end?

That would have been my next question to the chairman as he was leaving the NTCA conference this morning — thanks for any time if you can say!

From: Katie Gorscak
Sent: Monday, April 27, 2026 9:14 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Press inquiry from Newsmax: Jimmy Kimmel comments

Good morning, OCH:

See below for a press inquiry from NewsMax regarding comments made by Jimmy Kimmel regarding the shooting on Saturday.

(b) (5) [redacted]

Regards,

Katie

From: Heather Myers <heathermyerstv@gmail.com>
Sent: Sunday, April 26, 2026 8:53 PM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Reporter on deadline

You don't often get email from heathermyerstv@gmail.com. Learn why this is important

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

My name is Heather Myers, correspondent from Newsmax. I am reaching out regarding Jimmy Kimmel and a recent monologue where he was mocking the White House Correspondent Dinner and pretending to say to the first lady, "Mrs. Trump, you have a glow like an expectant widow."
These remarks came shortly before a gunman was accused of running past security with the intent to kill members of the Trump administration at the dinner.
What does the FCC have to say about Jimmy Kimmel's comments? Where is the line between free speech and provoking violence?
Does the FCC have any statement to make regarding Jimmy Kimmel's comments?

I am on deadline-

Heather Myers
Newsmax
858-472-7053

Kristi Thompson

From: Christopher Santini
Sent: Friday, June 12, 2026 6:21 PM
To: Kristi Thompson; Alexander Sanjenis; Allison Howell; Adam Candeub
Cc: Michael Janson
Subject: RE: Response Requested: FCC FOIA No. 2026-624

I completed my search and placed the potentially responsive records in the K-Drive folder.

From: Kristi Thompson <Kristi.Thompson@fcc.gov>
Sent: Thursday, June 11, 2026 4:20 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Candeub <Adam.Candeub@fcc.gov>; Christopher Santini <Christopher.Santini@fcc.gov>
Cc: Michael Janson <Michael.Janson@fcc.gov>
Subject: Response Requested: FCC FOIA No. 2026-624

Adam, Alex, Allison, and Chris,

I am writing to advise you about a FOIA request (attached) seeking agency records that you may possess, and to provide search instructions. Specifically, this FOIA request seeks three tranches of records:

1) From April 20, 2026, until the date of search, all records that contain one or more of the following words or phrases (case insensitive):

- Disney
- Kimmel
- “Expectant widow”
- “First lady”
- “ABC network”
- "ABC programming”
- “ABC news"
- “ABC license”
- “KFSN”
- “KABC”
- “KGO”
- “WLS”
- “WABC”
- “WTVD”
- “WPVI”
- “KTRK"

2) From April 20, 2026, until the date of search, all records that reference or pertain to the April 23, 2026, monologue delivered by Jimmy Kimmel on *Jimmy Kimmel Live!*

3) From April 27, 2026, until the date of search, all records referring to an April 27, 2026, social media post by First Lady Melania Trump concerning Jimmy Kimmel, or an April 27, 2026, social media post by President Donald Trump concerning Jimmy Kimmel.

Please note that this request does not seek the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request.

If you DO NOT have responsive documents, please reply stating that you have no documents.

If you DO have responsive documents, please place them in the folder for your name: K:\Co-Share\FOIA 2026\2026-000624 (Prot Demo Proj)

We would greatly appreciate it if you could complete your search by **June 19, 2026**.

Best,

Kristi Thompson
Attorney Advisor
Office of the General Counsel
Federal Communications Commission

Direct: (+1) 202-418-1318

Kristi Thompson

From: Adam Jackman
Sent: Monday, June 22, 2026 2:36 PM
To: Allison Howell
Subject: RE: URL links to media proceedings public has been interested in

(b) (5) [redacted] Thanks!

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Monday, June 22, 2026 2:34 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Subject: RE: URL links to media proceedings public has been interested in

(b) (5) [redacted]

Allison Howell
Legal Advisor
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Monday, June 22, 2026 2:24 PM
To: Allison Howell <Allison.Howell@fcc.gov>
Subject: FW: URL links to media proceedings public has been interested in

(b) (5) [redacted]

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Adam Jackman
Sent: Monday, June 1, 2026 11:43 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>

Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: URL links to media proceedings public has been interested in

https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-124

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Monday, June 1, 2026 11:38 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: URL links to media proceedings public has been interested in

(b) (5) [redacted]

Kristi Thompson

From: Alexander Sanjenis
Sent: Monday, June 1, 2026 4:57 PM
To: Brendan Carr; Allison Howell; Adam Jackman; Katie Gorscak
Cc: Courtney Cowper; Greg Watson
Subject: RE: URL links to media proceedings public has been interested in

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all,

Resending since the links came in separate emails.

The View
Regular: https://www.fcc.gov/ecfs/filings/standard?proceeding[name]=26-124

Express: https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-124

Disney Renewals
Regular: https://www.fcc.gov/ecfs/filings/standard?proceeding[name]=26-131

Express: https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-131

Please let me know if there's anything else you need.

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Monday, June 1, 2026 11:38 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: URL links to media proceedings public has been interested in

(b) (5) [redacted]

Kristi Thompson

From: Adam Jackman
Sent: Monday, June 1, 2026 1:13 PM
To: Katie Gorscak; Brendan Carr; Alexander Sanjenis; Allison Howell
Cc: Courtney Cowper; Greg Watson
Subject: RE: URL links to media proceedings public has been interested in

Thanks Katie! @Allison Howell – please see the links here.

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Monday, June 1, 2026 1:11 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: URL links to media proceedings public has been interested in

Disney Licenses Docket

Express: https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-131

Regular: https://www.fcc.gov/ecfs/filings/standard?proceeding[name]=26-131

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Monday, June 1, 2026 1:11 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: URL links to media proceedings public has been interested in

What is the docket # for the renewal proceeding? @Allison Howell @Alexander Sanjenis

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Monday, June 1, 2026 1:07 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: Re: URL links to media proceedings public has been interested in

Do we have anything for the renewal proceeding ?

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Monday, June 1, 2026 11:42 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: URL links to media proceedings public has been interested in

https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-124

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Monday, June 1, 2026 11:38 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: URL links to media proceedings public has been interested in

(b) (5) [redacted]

Kristi Thompson

From: Brendan Carr
Sent: Monday, June 1, 2026 1:07 PM
To: Adam Jackman; Alexander Sanjenis; Allison Howell; Katie Gorscak
Cc: Courtney Cowper; Greg Watson
Subject: Re: URL links to media proceedings public has been interested in

Do we have anything for the renewal proceeding ?

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Monday, June 1, 2026 11:42 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: URL links to media proceedings public has been interested in

https://www.fcc.gov/ecfs/filings/express?proceeding[name]=26-124

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations
Office: (202) 418-0504

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Monday, June 1, 2026 11:38 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Courtney Cowper <Courtney.Cowper@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: URL links to media proceedings public has been interested in

(b) (5) [redacted]

Kristi Thompson

From: Kristi Thompson
Sent: Thursday, June 11, 2026 4:26 PM
To: Katie McAuliffe; Allison Howell
Cc: Christopher Santini; Michael Janson
Subject: Response Requested: FCC FOIA 2026-000625
Attachments: FCC FOIA May 2026 [NRB & Suhr] (2026-625).pdf

Katie and Allison,

I am writing to advise you about a FOIA request (attached) seeking agency records that you may possess, and to provide search instructions. Specifically, this FOIA request seeks:

1) From April 20, 2026, until the date of search, all emails to or from any email address with the domain "nrb.org," unless such records have been posted in the Commission's ECFS system.

2) From November 13, 2025, until April 27, 2026, all emails or records of meetings, texts and telephone calls with Daniel Suhr, and all emails from the domain "americanrights.org," unless such records have been posted in the Commission's ECFS system.

Please note that this request does not seek the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request.

If you DO NOT have responsive documents, please reply stating that you have no documents.

If you DO have responsive documents, please place them in the folder for your name: K:\Co-Share\FOIA 2026\2026-000625 (Prot Demo Proj)

We would greatly appreciate it if you could complete your search by **June 19, 2026**.

Best,

Kristi Thompson
Attorney Advisor
Office of the General Counsel
Federal Communications Commission

Direct: (+1) 202-418-1318

Via ArkCase FOIA and Email

Daniel Daly
Attn: FOIA Request
Federal Communications Commission
Washington, D.C. 20554
daniel.daly@fcc.gov

Re: Freedom of Information Act Request

May 20, 2026

Dear FOIA Officer,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Protect Democracy Project requests that you produce the following records within twenty (20) business days:

1) From April 20, 2026 until the date of search, all emails to or from any email address with the domain "nrb.org," unless such records have been posted in the Commission's ECFS system.

2) From November 13, 2025 until April 27, 2026, all emails or records of meetings, texts and telephone calls with Daniel Suhr, and all emails from the domain "americanrights.org," unless such records have been posted in the Commission's ECFS system.

In compliance with 47 C.F.R. § 0.461(b)(1), all records are likely located in the Office of the Secretary, Office of the Managing Director, Office of the Chairman, Office of the General Counsel, and the Media Bureau.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone

conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. See 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and 47 C.F.R. § 0.461(h). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id*. § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity"—namely the apparent suppression of speech by the Commission — and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). On April 27, 2026, following the arrest of a gunman at the April 25 White House Correspondents' Dinner, First Lady Melania Trump and then President Donald Trump each posted that ABC and Disney should punish late-night host Jimmy Kimmel for a joke he had told about the First Lady previous to the dinner that they suggested had called for violence against them.[1] That same day, National Religious Broadcasters filed a request that the FCC "investigate and sanction" ABC Television because of Kimmel's joke.[2] Just two days later, the Commission's Media Bureau took the extremely rare action of calling in the broadcast licenses of Disney-owned ABC stations for early renewal.[3] The move was widely interpreted as an attempt to further pressure Disney and ABC to take action against Kimmel,[4] action the Center for American

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[1] Daniel Arkin & Monica Alba, *Trump and First Lady Rip Jimmy Kimmel, Call on ABC to 'Take a Stand'*, NBC News (Apr. 27, 2026), https://www.nbcnews.com/politics/white-house/melania-trump-rips-jimmy-kimmel-urges-abc-take-stand-rcna342319 (Referring to the First Lady, who is more than twenty-three years younger than the nearly eighty-year-old President, Kimmel had said "You have a glow like an expectant widow.")

[2] Press Release, NRB, NRB Files FCC Complaint Over 'Jimmy Kimmel Live!' Monologue (Apr. 27, 2026), https://nrb.org/nrb-files-fcc-complaint-over-jimmy-kimmel-live-monologue/.

[3] In re *Walt Disney Co.*, FCC DA 26-416 (Apr. 28, 2026), https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf; A Martinez & Eric Deggans, *FCC Orders Early License Renewals for ABC Stations After Criticism from Trump*, NPR, (Apr. 29, 2026), https://www.npr.org/2026/04/29/nx-s1-5803567/fcc-orders-early-license-renewals-for-abc-stations-after-criticism-from-trump.

[4] *See, e.g.,* Jim Rutenberg & John Koblin, *F.C.C. Orders a Review of ABC's Broadcast Licenses*, The New York Times (Apr. 30, 2026), https://www.nytimes.com/2026/04/28/business/media/fcc-abc-television-kimmel.html; Emma Roth, *The FCC is Going After the Broadcast Licenses of Disney-Owned ABC Stations*, The Verge (Apr. 28, 2026), https://www.theverge.com/policy/919739/fcc-disney-abc-broadcast-licenses-threat.

Rights has long been lobbying the FCC to take.[5] The public urgently seeks information about this seemingly speech suppressive action.

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government activity at issue. Media coverage on the topic has been extensive.[6] "[S]uch media coverage is strong evidence of an 'urgency to inform' the public." *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep't of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) ("Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff's FOIA request does not receive expedited treatment."); *Protect Democracy Project, Inc. v. United States Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

Additionally, the records requested relate to a matter that is entirely within the purview of the Chairman. It is likely that the universe of personnel involved is small, and therefore the search should be neither time consuming nor labor intensive.

Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii) and 47 C.F.R. § 0.461(h)(4)(i), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

FEE WAIVER

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[5] See, e.g., Center for American Rights, *Center for American Rights Files FCC Complaint Over Kimmel's Personal Use of the Public Airwaves*, Center for American Rights (Sept. 23, 2025), https://www.americanrights.org/cases/center-for-american-rights-files-fcc-complaint-over-kimmels-personal-use-of-the-public-airwaves

[6] *See id.; see also* Chloe Melas & Daniel Arkin, *FCC Directs Disney-Owned TV Stations to File Early License Renewals*, NBC News (Apr. 28, 2026), https://www.nbcnews.com/news/us-news/fcc-direct-disney-owned-tv-stations-file-early-license-renewals-source-rcna342507; Brian Stelter, *Trump Administration Challenges ABC Station Licenses Amind Kimmel Controversy*, CNN, (Apr. 28, 2026), https://www.cnn.com/2026/04/28/media/fcc-kimmel-disney-abc-trump-licenses; CBS News (May 1, 2026), https://www.cbsnews.com/news/fcc-disney-abc-broadcast-licenses-kimmel-trump/; Nikki McCann Ramirez, *Ted Cruz Bashes Trump Administration for Going After Jimmy Kimmel*, Rolling Stone (Apr. 29, 2026), https://www.rollingstone.com/politics/politics-news/ted-cruz-bashes-trump-administration-fcc-jimmy-kimmel-1235555533/.

Protect Democracy agrees to pay up to $1,000 in fees associated with this request in the event a fee waiver is denied. Thus, the Commission should not delay this FOIA request while fee waiver is under consideration. *See* 47 C.F.R. § 0.461(b)(2).

FOIA provides that any fees associated with a request are waived if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020).] Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision.[7] The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g.*, *Protect*

[7] *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).

Democracy Project, Inc. v. U.S. Dep't of Just., 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminate[d] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website protectdemocracy.org; the Bluesky feed https://bsky.app/profile/protect democracy.org, which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a "representative of the news media" for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to $100.00. If fees will exceed $100.00, please contact me before processing the request.

RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at FOIA@protectdemocracy.org or (202) 579-4582 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Conor S. Gaffney

Conor Gaffney,
Counsel
Protect Democracy Project
2020 Pennsylvania Ave. NW, Suite #163
Washington, DC 20006
FOIA@protectdemocracy.org | (202) 579-4582

Kristi Thompson

From: Kristi Thompson
Sent: Thursday, June 11, 2026 4:20 PM
To: Alexander Sanjenis; Allison Howell; Adam Candeub; Christopher Santini
Cc: Michael Janson
Subject: Response Requested: FCC FOIA No. 2026-624
Attachments: FCC FOIA May 2026 [Kimmel] (2026-624).pdf; Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Adam, Alex, Allison, and Chris,

I am writing to advise you about a FOIA request (attached) seeking agency records that you may possess, and to provide search instructions. Specifically, this FOIA request seeks three tranches of records:

1) From April 20, 2026, until the date of search, all records that contain one or more of the following words or phrases (case insensitive):

- Disney
- Kimmel
- “Expectant widow”
- “First lady”
- “ABC network”
- "ABC programming”
- “ABC news"
- “ABC license”
- “KFSN”
- “KABC”
- “KGO”
- “WLS”
- “WABC”
- “WTVD”
- “WPVI”
- “KTRK"

2) From April 20, 2026, until the date of search, all records that reference or pertain to the April 23, 2026, monologue delivered by Jimmy Kimmel on *Jimmy Kimmel Live!*

3) From April 27, 2026, until the date of search, all records referring to an April 27, 2026, social media post by First Lady Melania Trump concerning Jimmy Kimmel, or an April 27, 2026, social media post by President Donald Trump concerning Jimmy Kimmel.

Please note that this request does not seek the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request.

If you DO NOT have responsive documents, please reply stating that you have no documents.

If you DO have responsive documents, please place them in the folder for your name: K:\Co-Share\FOIA 2026\2026-000624 (Prot Demo Proj)

We would greatly appreciate it if you could complete your search by **June 19, 2026**.

Best,

Kristi Thompson
Attorney Advisor
Office of the General Counsel
Federal Communications Commission

Direct: (+1) 202-418-1318

Via ArkCase FOIA and Email

Daniel Daly
Attn: FOIA Request
Federal Communications Commission
Washington, D.C. 20554
daniel.daly@fcc.gov

Re: Freedom of Information Act Request

May 20, 2026

Dear FOIA Officer,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Protect Democracy Project requests that you produce the following records within twenty (20) business days:

1) From April 20, 2026 until the date of search, all records that contain one or more of the following words or phrases (case insensitive):
    a) Disney
    b) ABC
    c) Kimmel
    d) "Expectant widow"
    e) "First lady"

2) From April 20, 2026 until the date of search, all records that reference or pertain to the April 23, 2026 monologue delivered by Jimmy Kimmel on *Jimmy Kimmel Live!*[1]

3) From April 27, 2026 until the date of search, all records referring to an April 27, 2026 social media post[2] by First Lady Melania Trump concerning Jimmy Kimmel, or

[1] Jimmy Kimmel Live, *Jimmy Kimmell Roasts Trump & His MAGA Minions at Our Alternative White House Correspondents' Dinner*, YouTube (Apr. 23, 2026), https://www.youtube.com/watch?v=GRjKhsJc95o.
[2] Melania Trump (@FLOTUS), X (Apr. 27, 2026, 10:19 AM), https://x.com/FLOTUS/status/2048769128513585618.

an April 27, 2026 social media post[3] by President Donald Trump concerning Jimmy Kimmel.

In compliance with 47 C.F.R. § 0.461(b)(1), all records are likely located in the Office of the Secretary, Office of the Managing Director, Office of the Chairman, Office of the General Counsel, and the Media Bureau.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. See 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

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[3] Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 27, 2026, 1:26 PM), https://truthsocial.com/@realDonaldTrump/posts/116477838570626860.

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and 47 C.F.R. § 0.461(h). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id*. § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity"—namely the apparent suppression of speech by the Commission — and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). On April 27, 2026, following the arrest of a gunman at the April 25 White House Correspondents' Dinner, First Lady Melania Trump and then President Donald Trump each posted that ABC and Disney should punish late-night host Jimmy Kimmel for a joke he had told about the First Lady previous to the dinner that they suggested had called for violence against them.[4] Just two days later, the Commission's Media Bureau took the extremely rare action of calling in the broadcast

[4] Daniel Arkin & Monica Alba, *Trump and First Lady Rip Jimmy Kimmel, Call on ABC to 'Take a Stand'*, NBC News (Apr. 27, 2026), https://www.nbcnews.com/politics/white-house/melania-trump-rips-jimmy-kimmel-urges-abc-take-stand-rcna342319 (Referring to the First Lady, who is more than twenty-three years younger than the nearly eighty-year-old President, Kimmel had said "You have a glow like an expectant widow.")

licenses of Disney-owned ABC stations for early renewal.[5] The move was widely interpreted as an attempt to further pressure Disney and ABC to take action against Kimmel.[6] The public urgently seeks information about this seemingly speech suppressive action.

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government activity at issue. Media coverage on the topic has been extensive.[7] "[S]uch media coverage is strong evidence of an 'urgency to inform' the public." *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep't of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) ("Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff's FOIA request does not receive expedited treatment."); *Protect Democracy Project, Inc. v. United States Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

Additionally, the records requested relate to a matter that is entirely within the purview of the Chairman. It is likely that the universe of personnel involved is small, and therefore the search should be neither time consuming nor labor intensive.

Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii)

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[5] In re *Walt Disney Co.*, FCC DA 26-416 (Apr. 28, 2026), https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf; A Martinez & Eric Deggans, *FCC Orders Early License Renewals for ABC Stations After Criticism from Trump*, NPR, (Apr. 29, 2026), https://www.npr.org/2026/04/29/nx-s1-5803567/fcc-orders-early-license-renewals-for-abc-stations-after-criticism-from-trump.

[6] *See, e.g.,* Jim Rutenberg & John Koblin, *F.C.C. Orders a Review of ABC's Broadcast Licenses*, The New York Times (Apr. 30, 2026), https://www.nytimes.com/2026/04/28/business/media/fcc-abc-television-kimmel.html; Emma Roth, *The FCC is Going After the Broadcast Licenses of Disney-Owned ABC Stations*, The Verge (Apr. 28, 2026), https://www.theverge.com/policy/919739/fcc-disney-abc-broadcast-licenses-threat

[7] *See id.; see also* Chloe Melas & Daniel Arkin, *FCC Directs Disney-Owned TV Stations to File Early License Renewals*, NBC News (Apr. 28, 2026), https://www.nbcnews.com/news/us-news/fcc-direct-disney-owned-tv-stations-file-early-license-renewals-source-rcna342507; Brian Stelter, *Trump Administration Challenges ABC Station Licenses Amind Kimmel Controversy*, CNN, (Apr. 28, 2026), https://www.cnn.com/2026/04/28/media/fcc-kimmel-disney-abc-trump-licenses; CBS News (May 1, 2026), https://www.cbsnews.com/news/fcc-disney-abc-broadcast-licenses-kimmel-trump/; Nikki McCann Ramirez, *Ted Cruz Bashes Trump Administration for Going After Jimmy Kimmel*, Rolling Stone (Apr. 29, 2026), https://www.rollingstone.com/politics/politics-news/ted-cruz-bashes-trump-administration-fcc-jimmy-kimmel-1235555533/.

and 47 C.F.R. § 0.461(h)(4)(i), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

FEE WAIVER

Protect Democracy agrees to pay up to $1,000 in fees associated with this request in the event a fee waiver is denied. Thus, the Commission should not delay this FOIA request while fee waiver is under consideration. *See* 47 C.F.R. § 0.461(b)(2).

FOIA provides that any fees associated with a request are waived if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020).] Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision.[8] The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to

[8] *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).

an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g.*, *Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminate[d] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website protectdemocracy.org; the Bluesky feed https://bsky.app/profile/protect democracy.org, which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a "representative of the news media" for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to $100.00. If fees will exceed $100.00, please contact me before processing the request.

RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at FOIA@protectdemocracy.org or (202) 579-4582 if you require any additional

information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Conor S. Gaffney
Conor Gaffney,
Counsel
Protect Democracy Project
2020 Pennsylvania Ave. NW, Suite #163
Washington, DC 20006
FOIA@protectdemocracy.org | (202) 579-4582

Kristi Thompson

From: Conor Gaffney <conor.gaffney@protectdemocracy.org>
Sent: Friday, June 5, 2026 12:25 PM
To: Kristi Thompson
Cc: Janine Lopez; Caitlin Childs; Aidan Scible
Subject: Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Dear Kristi,

Thank you for meeting with us yesterday about our three FOIA requests (numbers 2026-000623, 000624, 000625). I've discussed with our team, and we can agree to two of your three requests to narrow our FOIA requests:

1. We **agree** to substitute the following search terms for the original search term "ABC" in FOIA request 2026-000624:
    - "ABC network"
    - "ABC programming"
    - "ABC news"
    - "ABC license"
    - "KFSN"
    - "KABC"
    - "KGO"
    - "WLS"
    - "WABC"
    - "WTVD"
    - "WPVI"
    - "KTRK"
2. We **agree** to exclude records of daily media digests unless those records have been forwarded, replied to, or otherwise are the basis or part of an additional communication. This applies to all three pending requests.
3. We **do not agree** to allow the FCC to determine which responsive records to produce. We are of course happy to discuss ways to prioritize productions or manage volume, should our requests return large numbers of responsive records. We understand the FCC is currently fielding a large number of FOIA requests, and are happy to consider ways to minimize the impact of our requests.

Thank you for your assistance. Please feel free to contact me if you have any questions. We look forward to hearing the FCC's determination on these requests.

Best,

Conor

On Jun 4, 2026 at 9:48:07 AM, Kristi Thompson <Kristi.Thompson@fcc.gov> wrote:

Done—no problem!

From: Aidan Scible <aidan.scible@protectdemocracy.org>
Sent: Thursday, June 4, 2026 10:45 AM
To: Kristi Thompson <Kristi.Thompson@fcc.gov>
Cc: Janine Lopez <janine.lopez@protectdemocracy.org>; Conor Gaffney <conor.gaffney@protectdemocracy.org>; Caitlin Childs <caitlin.childs@protectdemocracy.org>
Subject: Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Hi Kristi,

I apologize, but due to an unexpected shift in my schedule, I won't be able to attend this call today. My colleague Caitlin has offered to attend in my place: Would it be possible to add her to the Teams invite? She's cc'ed on this email.

Thank you,

Aidan

On Fri, May 29, 2026 at 6:19 PM Conor Gaffney <conor.gaffney@protectdemocracy.org> wrote:

> Hi Kristi,
>
> That works great. I'll be on the lookout for an email with a scheduler.
>
> Have a great weekend,
>
> Conor
>
> On May 29, 2026 at 5:07:21 PM, Kristi Thompson <Kristi.Thompson@fcc.gov> wrote:

Conor,

Thanks very much for your message. How about Thursday June 4th at 12:30? If that works for you, I can send a scheduler with a Teams link.

Many thanks,

Kristi Thompson

Attorney Advisor

Office of the General Counsel

Federal Communications Commission

Direct: (+1) 202-418-1318

From: Conor Gaffney <conor.gaffney@protectdemocracy.org>
Sent: Thursday, May 28, 2026 11:05 AM
To: Kristi Thompson <Kristi.Thompson@fcc.gov>; Aidan Scible <aidan.scible@protectdemocracy.org>; Janine Lopez <janine.lopez@protectdemocracy.org>
Subject: Re: [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625

You don't often get email from conor.gaffney@protectdemocracy.org. Learn why this is important

Hi Kristi,

Thanks for your patience. Unless you object, my colleagues Aidan Scible and Janine Lopez would like to join our call. We're available at the following times, Eastern:

1. Thursday June 4: 9-2.

2. Monday June 8: 9-10, 12-1:30, 2-3, 3:30-5.
3. Tuesday June 9: 9-10, 12:30-2, 3-5.
4. Wednesday June 10: 9-12, 3-4.
5. Thursday June 11: 9-2.

Please let me know if any of those times work for you.

Thank you,

Conor

On May 28, 2026 at 8:29:29 AM, Kristi Thompson <Kristi.Thompson@fcc.gov> wrote:

> Mr. Gaffney,
>
> No problem! I look forward to hearing from you.
>
> Best,
>
> Kristi
>
> ---
>
> **From:** Conor Gaffney <conor.gaffney@protectdemocracy.org>
> **Sent:** Thursday, May 28, 2026 9:28:05 AM
> **To:** Kristi Thompson <Kristi.Thompson@fcc.gov>
> **Subject:** [EXTERNAL]: Re: FCC FOIA Request Nos. 2026-000623, 000624, 000625
>
> You don't often get email from conor.gaffney@protectdemocracy.org. Learn why this is important

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Dear Ms. Thompson,

Apologies for my delay in responding, and thank you for reaching out. I'll get back to you shortly with some availability next week and the following. I just need to confirm a few things in my schedule.

Thanks for your patience. Please let me know if you have any questions or concerns,

Conor

---------- Forwarded message ---------
From: Kristi Thompson <Kristi.Thompson@fcc.gov>
Date: Wednesday, May 27, 2026 at 3:47:11 PM UTC-4
Subject: RE: FCC FOIA Request Nos. 2026-000623, 000624, 000625
To: FOIA@protectdemocracy.org <FOIA@protectdemocracy.org>

Dear Mr. Gaffney,

I am following up on my message below. Are you still interested in these requests? Please let me know by June 23, 2026. If we do not hear from you by that date, we will administratively close out these requests.

Sincerely,

Kristi Thompson

Attorney Advisor

Office of the General Counsel

Federal Communications Commission

Direct: (+1) 202-418-1318

From: Kristi Thompson
Sent: Wednesday, May 20, 2026 6:14 PM
To: FOIA@protectdemocracy.org
Subject: FCC FOIA Request Nos. 2026-000623, 000624, 000625

Dear Mr. Gaffney,

The Federal Communications Commission is in receipt of your Freedom of Information Act requests referenced above. We would like to speak with you about your requests. Are you available for a teleconference call this week or next week? Please let me know what day(s) and time(s) would work best for you.

Sincerely,

Kristi Thompson

Attorney Advisor

Office of the General Counsel

Federal Communications Commission

Direct: (+1) 202-418-1318

Kristi Thompson

From: Connor Glisson
Sent: Friday, June 5, 2026 11:51 AM
To: Brendan Carr (Internal)
Cc: Greg Watson; Allison Howell
Subject: Sen. Markey Letter: TV Rating PN Opposition 6.5.2026
Attachments: 26.06.05 Letter to FCC.pdf

Chairman,

We received the attached letter addressed to you from Senator Markey in opposition to the Media Bureau's TV Rating public notice. The letter does not ask questions or request a response.

The letter requests: "The FCC should withdraw this proceeding and make clear that it will not require or pressure video programmers or distributors to display any rating, advisory, or label based on gender identity, sexual orientation, or LGBTQ+ themes."

Best,

Connor Glisson
Director, Office of Legislative Affairs
Federal Communications Commission
connor.glisson@fcc.gov | 202-418-2064

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:
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United States Senate

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WASHINGTON, DC 20510-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
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1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01103
413-785-4610

June 5, 2026

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Dear Chairman Carr,

The Federal Communications Commission (FCC) is attempting to use legislation that I authored — the V-chip law — to pressure the television ratings system to place a special warning on programming that acknowledges transgender and nonbinary Americans. This effort twists my V-chip law from a parental-control tool into a culture-war weapon against LGBTQ+ Americans. The V-chip was intended to help parents make choices, not to let Washington bureaucrats mark transgender people, nonbinary people, or LGBTQ+ families as inappropriate for children. Your proceeding is legally baseless, morally cruel, and dangerous to First Amendment-protected speech. The FCC must end this attack and withdraw any effort to misuse a parental-choice law as a vehicle for government-sponsored discrimination.

As the House author of the V-chip legislation, I know what that law was designed to do: create a parental-control framework to help families make their own decisions about television programming in their own homes. Congress enacted the V-chip in response to concerns about television violence and sexual content, and the law helped spur the industry to create the TV Parental Guidelines so parents could make informed choices.[1] Although Congress allowed the FCC to develop guidelines and recommended procedures if the industry failed to create its own ratings system,[2] the conference report made clear that those guidelines were not binding rules and the FCC could not require adoption of any recommended ratings system.[3] Ultimately, industry created the TV Parental Guidelines, the FCC accepted that system in 1998, and that voluntary framework remains in place today.[4] Moreover, the law specifically stated that it

[1] Telecommunications Act of 1996, Pub. L. No. 104-104, § 551.
[2] *Id.*
[3] S. Conf. Rep. No. 104-230, at 195 (1996).
[4] FCC, Implementation of Section 551 of the Telecommunications Act of 1996, Video Programming Ratings, 13 FCC Rcd. 8232 (1998); *see also* FCC, Report on Television Ratings and the Oversight Monitoring Board, DA 19-423, ¶¶ 3-4 (May 16, 2019).

provided the FCC no authority to rate video programming "on the basis of its political or religious content."[5] In other words, Congress carefully crafted the V-chip law to give parents tools to decide what was appropriate for their own children; it did not give future FCC chairs continuing authority to declare that transgender people, nonbinary people, or LGBTQ+ families are themselves inappropriate for children.

Yet, that is exactly what the FCC, under your leadership, appears to be doing with this proceeding. The Public Notice states that parents have raised concerns that "controversial gender identity issues" are being included or promoted in children's programming without "disclosure or transparency," then asks whether programs rated TV-Y, TV-Y7, and TV-G that contain "discussion or promotion of gender identity themes" should be rated differently or contain "relevant descriptions."[6] Those questions are not a neutral effort to assess whether the existing ratings system is working as Congress intended. They single out gender identity for special government scrutiny. Congress did not authorize the FCC to convert the V-chip's limited parental-control framework into authority to pressure the industry to display new labels for programming involving gender identity. Indeed, Congress did not even authorize the FCC to require adoption of its own recommended ratings system. The FCC therefore has no basis to pressure broadcasters, programmers, distributors, or ratings bodies to brand LGBTQ+ Americans as harmful.

This proceeding also threatens First Amendment principles. The Communications Act expressly states that the FCC has no censorship power and may not impose any regulation or condition that interferes with the right of free speech.[7] Yet a government-pushed gender identity label would tell viewers that the presence of transgender and nonbinary people is special content from which children may need protection. The FCC cannot avoid that problem by styling its effort as a request for comment or by acting through the ratings system rather than directly against programmers. The Public Notice — from the federal agency that licenses broadcasters, reviews media transactions, and enforces communications law — implicitly pressures regulated entities to disfavor content involving transgender and nonbinary people. That is the exact type of government-driven speech pressure that the Communications Act — and the First Amendment — prohibits.[8] It has also been a hallmark of the FCC under your leadership.[9]

Most importantly, the FCC's proceeding is discriminatory and cruel. There is nothing indecent about being transgender. There is nothing harmful about a child seeing a nonbinary character, a transgender classmate, or a family that reflects the real people in their school and community. Existing ratings already address sexual content, violence, fantasy violence, crude

---

[5] Telecommunications Act of 1996, *supra*, note 1.

[6] FCC, Public Notice, FCC's Media Bureau Seeks Comment on Further Empowering Parents to Protect Their Children and Make Informed Choices About the TV Programs Their Children Watch, MB Docket No. 19-41, DA 26-392, at 2, 4 (Apr. 22, 2026).

[7] 47 U.S.C. § 326.

[8] *See* Bantam Books, Inc. v. Sullivan, 372 U.S. 58 (1963); Nat'l Rifle Ass'n of Am. v. Vullo, 602 U.S. 175 (2024).

[9] *See, e.g.*, Letter from Senator Edward J. Markey et al. to Brendan Carr, Chairman, Federal Communications Commission (May 7, 2026), https://www.markey.senate.gov/news/press-releases/markey-schumer-cantwell-lujan-demand-fcc-stop-first-amendment-attacks-on-disney-abc.

language, and suggestive dialogue wherever they appear.[10] Singling out gender identity tells LGBTQ+ children that their existence is a problem and tells programmers to make them disappear. This is an unacceptable and outrageous attack on families with LGBTQ+ parents, LGBTQ+ children, and LGBTQ+ loved ones.

The FCC should withdraw this proceeding and make clear that it will not require or pressure video programmers or distributors to display any rating, advisory, or label based on gender identity, sexual orientation, or LGBTQ+ themes.

Thank you for your prompt consideration of this important issue.

Sincerely,



Edward J. Markey
United States Senator

[10] TV Parental Guidelines Monitoring Board, The TV Parental Guidelines, https://www.tvguidelines.org/resources/TheRatings.pdf.

Irene Ly

From: Alexander Sanjenis
Sent: Friday, May 29, 2026 12:10 PM
To: de Lozier, Emilie
Subject: Disney Renewals

Hi Emilie,

Can you call me real quick? 202-418-2779.

Thanks,
Alex

Alexander T. Sanjenis
Acting Chief, Media Bureau
Federal Communications Commission
(202) 418-2779
Alexander.Sanjenis@fcc.gov

Irene Ly

From: Lori Maarbjerg
Sent: Thursday, April 30, 2026 3:29 PM
To: Alexander Sanjenis
Subject: E&C Dem Letter
Attachments: 4-30-26-letter-to-chairman-carr-re-fcc-weaponization.pdf

BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
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Majority (202) 225-3641
Minority (202) 225-2927

April 30, 2026

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Dear Chairman Carr:

We write to express our concern over your blatant efforts to chill speech and intentionally favor friends and allies of President Trump. Your selective interpretation and threatened weaponization of Federal Communications Commission (FCC) rules and regulations to curry favor with President Trump undermines the independence of your agency and erodes the public trust that is essential to a free press and our democratic system.

As your most recent abuse of power, you ordered an early review of Disney's ABC licenses in obvious retaliation for a joke made by Jimmy Kimmel on "Jimmy Kimmel Live!" on April 23.[1] Instead of carrying out the work of the FCC as an independent agency, you have again decided to use the FCC as a weapon to punish protected speech at the behest of the President and, this time, the First Lady.[2] On April 28, claiming that the FCC is seeking to ensure that "the broadcaster has been meeting its public interest obligations," the FCC issued an order to Disney and its eight broadcast stations requiring that Disney file to renew its licenses within 30 days.[3] This is a flagrant political move on your part, given that the earliest license renewal is not due until 2028, and some not even due until 2031.[4] As FCC Commissioner Gomez put it, "This is the most egregious action this FCC has taken in violation of the First Amendment to date."[5] Any effort on your part to revoke Disney's licenses on the basis of protected speech will fail, which you well know. Instead, this is a blatant attempt to hold your investigation and license

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[1] *F.C.C. Orders a Review of ABC's Broadcast Licenses*, The New York Times (Apr. 28, 2026).

[2] First Lady Melania Trump (@FLOTUS), X (Apr. 27, 2026, 10:19 AM) (https://x.com/FLOTUS/status/2048769128513585618).

[3] Federal Communications Commission, *Order* (Apr. 28, 2026) (DA 26-416).

[4] *See* note 1.

[5] Federal Communications Commission, *Gomez: FCC Assault on 1st Amendment Will Fail* (Apr. 29, 2026) (press release).

renewal proceedings over the heads of Disney executives in an effort to chill future speech on news and entertainment programs at Disney and across the entire industry. And while you do so, you not only violate the FCC's prohibition on censorship, but you also waste taxpayer dollars that fund this crusade and the time and expertise of the FCC career staff tasked with carrying it out.

Your partisan attacks on media figures and companies that Trump does not like was also apparent at the recent Conservative Political Action Conference, where you stated, "PBS, defunded. NPR, defunded. Joy Reid, gone from MSNBC. Sleepy-eyes Chuck Todd, gone. Jim Acosta, gone. John Dickerson, gone… Stephen Colbert is leaving. CBS is under new ownership. And soon enough, CNN is going to have new ownership as well… President Trump is winning."[6] Since laying out this disturbing manifesto, however, a federal court overturned Trump's Executive Order defunding NPR and PBS, stating that the President "may not… use his governmental power" to cut funding "in retaliation for saying things that he does not like."[7] Trump and you will only see more losses in court and losses to your credibility, including in Congress, if you continue to issue threats and take official actions in a partisan and legally indefensible manner.

Several other incidents have demonstrated the partisan and hypocritical nature of your decisions as Chairman of the FCC. On the morning of Saturday, March 7, 2026, Trump and other government officials attended the dignified transfer ceremony at Dover Air Force Base for six soldiers killed in Kuwait due to the war in Iran.[8] At the ceremony, Trump wore a white baseball hat with "USA" emblazoned in gold lettering with "45-47" embroidered on one side and an American flag on the other.[9] This display, which was captured on tape by countless media outlets present, drew bipartisan criticism for being an inappropriate and irreverent choice of attire. Even several high-profile Republicans called the choice "shameful" and a reflection of Trump having "no sense of dignity or appreciation for the moment."[10]

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[6] *WATCH LIVE: FCC Chair Brendan Carr speaks at CPAC*, PBS NewsHour (Mar. 27, 2026).

[7] *National Pub. Radio, Inc. v. Donald J. Trump*, No. 25-1674, 53 (D.D.C. 2026).

[8] *Trump Attends Dignified Transfer of 6 Fallen Service Members Killed in Kuwait Amid Iran war*, ABC News (Mar. 7, 2026).

[9] Trump Store, *USA 45-47 Hat* (https://www.trumpstore.com/headwear/usa-45-47-hat) (accessed Apr. 29, 2026).

[10] *Trump's Wearing of Baseball Cap during Dignified Transfer Draws Criticism*, The Washington Post (Mar. 9, 2026).



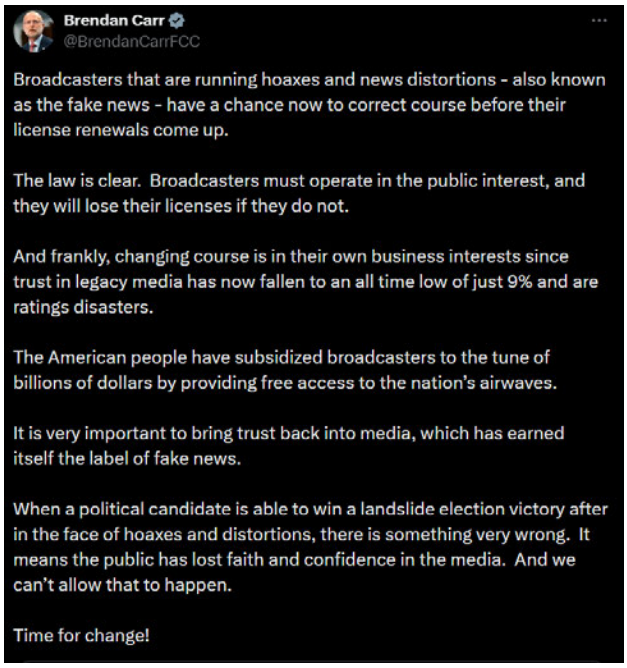
March 7, 2026, Dover Air Force Base, Dover, Delaware. Anna Moneymaker/Getty Images

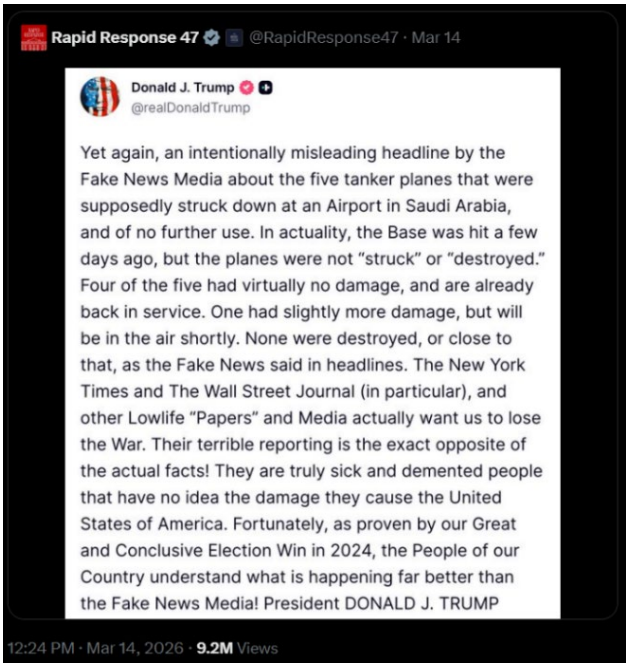
Notwithstanding the President's lack of decorum and respect, reflected by wearing a hat, Fox News chose not to air accurate video footage from that morning. Instead, Fox News chose to repeatedly air an old video from a dignified transfer ceremony in December where Trump was dressed appropriately.[11] Fox News' viewers, including Fox News Sunday viewers on the Fox television network, were shown inaccurate coverage of the dignified transfer ceremony, preventing them from seeing the white baseball hat. Although Fox News Sunday airs on hundreds of local broadcast stations across the country, you were uncharacteristically quiet about its misleading coverage—a stark contrast to your threats against broadcasters for coverage that President Trump finds unfavorable.

In fact, on March 14, 2026, you responded to a post from Trump criticizing news reports of damage to American military equipment by threatening broadcasters' licensees for running "hoaxes and news distortions."[12]

[11] *Fox's Donald Trump Dignified Transfer 'Mistake' Under Fire: 'Would be a Huge Scandal'*, Penn Live (Mar. 9, 2026).

[12] Brendan Carr (@BrendanCarrFCC), X (Mar. 14, 2026, 12:24 PM) (https://x.com/BrendanCarrFCC/status/2032855414233047172).





Your manipulation of the news distortion policy is apparent in your selective threats and investigations of news distortion complaints as you reopened three of the four previously closed news distortion complaints (against ABC, NBC, and CBS), while notably leaving the closed case against Fox untouched.[13] Earlier, you also reinstated a lawfully denied complaint against CBS for alleged news distortion for engaging in routine editing of an interview with former Vice President Kamala Harris.[14] Following that reinstatement, you launched a formal investigation of CBS all while Skydance's merger with Paramount was under federal review. After a $16 million settlement was made to President Trump for alleged "damages" arising from the same allegations, the merger was approved and the FCC investigation was effectively dropped.

Since assuming the role of Chairman, you have weaponized the agency against news outlets by not only questioning the speech and expressive conduct of targeted entities but also by abusing your power to formally accuse these speakers of wrongdoing.[15] As we said in prior

[13] *FCC Chair Brendan Carr Threatens to Revoke Broadcasters' Licenses over Iran Coverage*, BBC (Mar. 15, 2026); *Carr FCC sets aside Rosenworcel Closure of "News Distortion" Complaints against CBS, ABC and NBC, but not Fox*, REC Networks Substack (Jan. 22, 2025).

[14] Letter from Peter S. Hyun, Acting Enforcement Bureau Chief, Federal Communications Commission, to Daniel R. Suhr, President, Center for American Rights (Jan. 16, 2025).

[15] *How an AM Radio Station in California Weathered the Trump administration's Assault on Media*, AP News (Dec. 15, 2025); *FCC Chairman Threatens ABC Over Jimmy Kimmel's Remarks About Charlie Kirk's Killer*, Variety (Sept. 17, 2025); *FCC Reinstates Complaints over ABC Presidential Debate, Harris TV Appearances*, Reuters (Jan. 23, 2025); *Brendan Carr Plans to Keep Going After the Media*, The New York Times (Sept. 24, 2025); *Federal Regulators Take New Aim at Late-Night TV*, The New York Times (Jan. 21, 2026).

correspondence, these actions assault the freedom of the press and violate the FCC's statutory prohibition against censorship.[16] As explained on the FCC's website, "[t]he First Amendment and the Communications Act expressly prohibit[s] the Commission from censoring broadcast matter."[17] Prior to your position as Chairman, you appeared to accept this as true, saying "[s]hould the government censor speech it doesn't like? Of course not. The FCC does not have a roving mandate to police speech in the name of the 'public interest.'"[18]

In your attempts to justify your partisan actions, you have posted entirely inapplicable quotes from case law while ignoring the central principle that "government censorship of a particular program contrary to… the official government view" is never permitted.[19] This Administration's repeated attempts to threaten news outlets and rewrite the facts is egregious, blatant, and, as FCC Commissioner Gomez said, "grounded in neither reality nor law and would not survive judicial scrutiny."[20]

Beyond your biased threats regarding news distortion and serving the public interest, your selective interpretation and inconsistent enforcement threats regarding the equal time rule further demonstrate your clear bias in favor of Trump. In January, you reversed the decades-old policy regarding the bona fide news exception to the equal time rule and issued a notice that the exception would no longer apply to daytime talk shows and late-night programs.[21] These thinly disguised acts all appear to support the same goal: chill speech that Trump doesn't like.

This tactic's inevitable and intended outcome is already materializing. In February, reports indicated that the FCC was investigating "The View" for hosting a segment featuring Texas Senate candidate James Talarico apparently based on their new interpretation that a

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[16] Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, Rep. Doris Matsui, Ranking Member, Subcommittee on Communications and Technology, House Committee on Energy and Commerce, and Rep. Yvette D. Clarke, Ranking Member, Subcommittee on Oversight and Investigations, House Committee on Energy and Commerce, to Brendan Carr, Chairman, Federal Communications Commission (Mar. 31, 2025).

[17] Federal Communications Commission, *The Public and Broadcasting* (Sept. 2021) (https://www.fcc.gov/media/radio/public-and-broadcasting#FCC); Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 15, 2026, 7:48 PM) (https://truthsocial.com/@realDonaldTrump/posts/116235861005528220); 47 U.S.C. § 326.

[18] Brendan Carr (@BrendanCarrFCC), X (Feb. 14, 2019, 10:05 AM) (https://x.com/BrendanCarrFCC/status/1096062915201953795?s=20).

[19] Brendan Carr (@BrendanCarrFCC), X (Mar. 14, 2026, 4:00 PM) (https://x.com/BrendanCarrFCC/status/2032909862305235397); *Democrats Blast FCC Chair Carr's Broadcast License Threats as Anti-First Amendment, 'Totalitarian'*, CNBC (Mar. 16, 2026).

[20] Federal Communications Commission, *Gomez: Stop Falling for FCC Intimidation Tactics* (Mar. 16, 2026) (press release); *FCC Chair Threatens TV Networks Amid Iran War Coverage — but his Warning Rings Hollow*, CNN (Mar. 15, 2026).

[21] Federal Communications Commission, *FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations* (Jan. 21, 2026) (press release).

daytime talk show no longer qualified for the bona fide news exception.[22] Commissioner Gomez called out the transparent maneuver, saying "Let's be clear on what this is. This is government intimidation, not a legitimate investigation."[23] Similarly, less than two weeks later, network lawyers advised Stephen Colbert that hosting James Talarico on "The Late Show with Stephen Colbert" could expose the network to consequences from the FCC unless opposing candidates were offered equal opportunities.[24] These concerns were enough to force Colbert to interview Talarico on YouTube to avoid any chance of retribution from the Trump FCC, even though the equal time rule places the burden on the opposing candidate, not the broadcast licensee, to request equal time.[25] If an opposing candidate fails to request equal time within the designated period, the licensee has no obligation and no ability to force them to participate.

The chilling effect here is therefore doubly troubling, as it is being achieved not by a legitimate interpretation or enforcement of the law, but by exploiting broadcasters' fear of a hostile FCC. Further, the new interpretations are not being enforced against daytime and late-night talk shows equally. Instead, the FCC has announced it will assess whether a show has a "partisan purpose" when determining whether the equal time rule is implicated.[26] Given your FCC's track record of favoritism towards Trump, this level of subjectivity is alarming. If the FCC's investigation into "The View" and CBS's decision to move the Talarico interview to YouTube portends a broader trend, Americans may see and hear from fewer candidates this election year, which is not in the public interest.[27]

These recent actions uniformly and improperly wield the regulatory power of your agency to erode the First Amendment rights of your and Trump's targets. They have provoked widespread concern across the political spectrum and demand both continued oversight by Congress and answers from you. Even the appearance of partisan action by the FCC is inappropriate and raises questions about whether the FCC is acting within its statutory obligations and limitations.

Because you failed to adequately respond to our prior correspondence, we renew those requests which are attached to this letter. Additionally, please provide written responses to the following new requests by May 14, 2026.

1. Explain and provide all documents related to your decision to order the early license renewal of Disney ABC stations. Include in your explanation and production of

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[22] *Trump FCC Investigates The View, reportedly says "Fake News" will be Punished*, Ars Technica (Feb. 9, 2026).

[23] Federal Communications Commission, *Gomez on Sham "Investigation" of The View* (Feb. 6, 2026) (press release).

[24] *Stephen Colbert Slams CBS, says Lawyers told him James Talarico Interview could not Air on "The Late Show"*, CBS News (Feb. 18, 2026).

[25] 47 C.F.R. § 73.1941.

[26] *See* note 20.

[27] *Brendan Carr's 'Equal Time' Curveball Crashes the Midterms*, POLITICO (Mar. 17, 2026).

documents how this proceeding would "ensure that the broadcaster has been meeting its public interest obligations" and what, if any, issues you purportedly identified in your ongoing investigation of Disney that are somehow relevant to upholding the "public interest" or any other FCC authority.[28]

2. Explain and provide all documents related to your decision to reverse long-standing FCC policy and subject daytime and late-night talk shows to the equal time rule. Include in your explanation and production of documents the rationale behind issuing this change without formal rulemaking, which is open to public comment.

3. Specifically describe and provide documentation of any complaints raised about the interview on "The View" with James Talarico that led to your investigation of potential violation of the equal time rule. Also provide all other documentation related to your investigation to date. Include in your response which other eligible candidates, if any, requested and were refused equal time by the broadcaster. To the extent that there were no candidates that were refused equal time, describe the basis of your investigation and what authority you believe the FCC has to conduct this investigation.

4. Provide any communications with CBS or its affiliates regarding the interview of James Talarico on "The Late Show with Stephen Colbert."

5. Explain your interpretation of the "public interest standard" you frequently cite and the FCC's authority to enforce your interpretation of such standard.[29] Provide all documentation regarding your interpretation and purported authority, including memoranda and communications.

6. Explain what criteria you purport to use to determine whether a program is "motivated by a partisan purpose" and provide all documentation regarding these criteria including related memoranda and communications.[30]

7. Provide all records related to travel to Trump's personal residence in Florida including itineraries for that travel, participants in meetings held at Trump's personal residence, detailed receipts of all associated costs paid or reimbursed by the FCC, and any formal or informal ethics advice that was provided related to such travel.

---

[28] *See* note 3.

[29] *Trump's CBS Lawsuit Ties Media Freedom to FCC's Regulatory Power*, The Brookings Institution (Feb. 19, 2025); *Will the FCC's 'Public Interest' Standard Limit Broadcast Free Speech?*, DC Journal (Dec. 3, 2024); *FCC Chief Brendan Carr Wants to 'Re-Empower' Local TV Stations and Consider Tighter Regulation of Social Media Giants*, Variety (Feb. 27, 2025).

[30] *Trump FCC's Equal-Time Crackdown Doesn't Apply Equally—or at all—to Talk Radio*, Ars Technica (Mar. 2, 2026).

Finally, preserve all documents and records potentially responsive to the issues and requests raised in this letter and in our letter of March 31, 2025, including text messages, emails, and digital and physical documents. This preservation request applies to existing and future materials that are responsive to these requests, including those that would otherwise be automatically deleted. If you have any questions about this request, please contact the Committee Democratic staff at (202) 225-2927.

Sincerely,

Frank Pallone, Jr.
Ranking Member

Doris Matsui
Ranking Member
Subcommittee on Communications
and Technology

Yvette D. Clarke
Ranking Member
Subcommittee on Oversight
and Investigations

cc: The Honorable Brett Guthrie
Chairman

The Honorable Richard Hudson
Chairman
Subcommittee on Communications and Technology

The Honorable John Joyce
Chairman
Subcommittee on Oversight and Investigations

BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS
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Majority (202) 225-3641
Minority (202) 225-2927

March 31, 2025

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Chairman Carr:

We write to express deep concern over your actions to target and intimidate news organizations and broadcasters in violation of the First Amendment.[1] These troubling actions assault the Constitutionally protected freedom of the press and violate the Federal Communications Commission's (FCC) statutory prohibition against engaging in censorship.[2] Moreover, directing FCC staff to devote time and resources to bogus investigations constitutes a violation of the law, gross mismanagement, extreme waste of funds, and an abuse of authority. Therefore, we are also sharing a copy of this letter with the FCC's Office of Inspector General and are recommending that it open an investigation.[3]

Since assuming the role of Chairman on January 20, 2025, you have weaponized the agency against news outlets by not only questioning the speech and expressive conduct of targeted entities but also by abusing your power to formally accuse these speakers of wrongdoing. These actions are in flagrant disregard of the statutory jurisdiction of the Commission, lack any evidence of actual violations, and are conducted with apparent willful ignorance of FCC practice and legal precedent.

As you know, the FCC is an independent government agency, overseen by Congress, with authority to regulate interstate and international communications and related technologies. Your partisan goals are transparent and inappropriate, particularly given your previous experience as FCC General Counsel. You have launched sham investigations into entities disfavored by President Trump, Elon Musk, and the Republican Party to censor journalists and news coverage. In the absence of actual agency authority and any real evidence of wrongdoing, your pursuit of

[1] U.S. Const. amend. I.

[2] 47 U.S.C. § 326.

[3] *Id.*

these actions is clearly intended to punish and burden broadcasters and other media companies by inflicting incalculable reputational harm and excessive costs to defend themselves. Additionally, and alarmingly, some of your actions are aligned with a private lawsuit in which President Trump in his personal capacity is seeking extensive monetary damage from the same entities you are targeting. This is an obvious effort to create additional leverage in Trump's settlement negotiations and encourage payment in a sham lawsuit in exchange for favorable regulatory outcomes. Furthermore, your frequent travel with the President to his property in Florida is inappropriate of the Chairman of an independent agency. It calls into doubt your understanding of the agency's purpose and raises questions about whether you are inappropriately receiving direction from the President.[4,5]

Perhaps your most concerning action to date is your harassment of CBS. You recently reinstated a lawfully denied complaint against CBS for alleged news distortion for engaging in routine editing of an interview with former Vice President Kamala Harris.[6] Following this reinstatement, you launched a formal investigation of the broadcaster by sending a letter of inquiry demanding videos and transcripts. You also opened an unnecessary comment period—advertised with a banner on the FCC website's consumer complaints page—even after receiving and publishing unedited videos and transcripts that clearly show no deception.[7,8] You have taken these actions while the Commission is reviewing a merger proposed by CBS's parent company, Paramount Global, and President Trump is suing the company in his personal capacity for damages based on the same allegations. As others have noted, undertaking these official actions to pressure the regulated entity to settle its lawsuit with President Trump for monetary damages could give the appearance that you are facilitating a bribe to the President to drop these

[4] Broadband Breakfast, *Exclusive Q&A with Chairman Brendan Carr* (Feb. 25, 2025) (https://broadbandbreakfast.com/exclusive-q-a-with-chairman-brendan-carr/).

[5] Axios, *Tech: Agencies Go MAGA* (Mar. 18, 2025) (https://www.axios.com/pro/tech-policy/newsletters/2025/03/18/tech-agencies-go-maga?utm_source=axios&utm_medium=email&utm_campaign=pro_policy_daily_03-20-2025&utm_content=Final&utm_term=pro_policy_preview_tech).

[6] Letter from Peter S. Hyun, Acting Bureau Chief, Enforcement Bureau, Federal Communications Commission, to Daniel R. Suhr, Center for American Rights (Jan. 16, 2025).

[7] Federal Communications Commission, *Consumer Inquiries and Complaints Center* (https://consumercomplaints fcc.gov/hc/en-us) (accessed Mar. 21, 2025).

[8] Federal Communications Commission, *In the Matter of News Distortion Complaint Involving CBS Broadcasting Inc. re: Preserving the First Amendment (GN Docket No. 25-11)* (https://docs.fcc.gov/public/attachments/DA-25-85A1.pdf) (Jan. 22, 2025).

investigations and approve the transaction.[9] Broadcasters, public interest organizations, and free speech advocates have been uniformly critical of your pursuit of this matter.[10,11,12]

Additionally, in your few weeks as Chairman of the FCC, you have:

- Reinstated a lawfully denied complaint against ABC for alleged news distortion for conducting an otherwise unremarkable presidential debate. [13,14]

- Reinstated a lawfully denied complaint against NBC for violations of the FCC's equal time rule stemming from former Vice President Kamala Harris's appearance on Saturday Night Live, despite numerous clear deficiencies in the complaint including the uncontested fact that NBC's stations satisfied the Commission's regulations by appropriately filing public notice of the appearance and promptly acceding to equal time requests made by other legally qualified candidates.[15]

- Selectively reinstated the aforementioned complaints against ABC, CBS, and NBC while conspicuously not reinstating a petition filed against FOX that was contemporaneously denied.[16]

- Launched a formal investigation of KCBS-AM in San Jose, an entity owned by Audacy, for simply reporting on publicly available information about Immigration and Customs Enforcement (ICE) activity in a local neighborhood.[17] This is after you had previously highlighted Audacy's connection with a fund owned by George Soros and threatened to delay Audacy's business before the Commission.[18]

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[9] *Paramount Executives Ask: Could They Be Sued for Settling Trump's $20 Billion CBS Lawsuit?*, Wall Street Journal (Feb. 14, 2025).

[10] Federal Communications Commission, *Comments of the National Association of Broadcasters* (Mar. 2025) (MB Docket No. 25-73).

[11] Federal Communications Commission, *Comments of Free Press* (Mar. 2025) (MB Docket No. 25-73).

[12] Federal Communications Commission, *Comments of the Foundation for Individual Rights and Expression* (Mar. 2025) (MB Docket No. 25-73).

[13] *See* note 7.

[14] *See* note 9.

[15] Federal Communications Commission, *In the Matter of Equal Opportunities Complaint Involving NBC Telemundo License. re: Preserving the First Amendment (GN Docket No. 25-11)* (https://docs.fcc.gov/public/attachments/DA-25-56A1.pdf) (Jan. 16, 2025).

[16] MSN, *The FCC's MAGA Standard: Target Trump's Enemies, Let Fox News off the Hook* (https://www.msn.com/en-us/news/us/the-fcc-s-maga-standard-target-trump-s-enemies-let-fox-news-off-the-hook/ar-AA1ArnOc?ocid=BingNewsSerp) (accessed Mar. 21, 2025).

[17] *FCC Investigates Calif. Radio Station that Shared ICE Agents' Location*, Los Angeles Times (Feb. 6, 2025).

[18] RadioInk, *Carr's FCC To 'Take A Very Hard Look' at Audacy's Soros Plan* (Nov. 26, 2024) (https://radioink.com/2024/11/26/carrs-fcc-to-take-a-very-hard-look-at-audacy-plan-with-soros/).

- Directed the FCC's Enforcement Bureau to launch an investigation into NPR and PBS based on false allegations of violations of the Commission's underwriting and advertisement rules, without offering any specific evidence indicating such violations.[19] This was despite the fact that NPR and PBS do not hold broadcast licenses and are not subject to those rules. Shortly thereafter, you followed up that threat with letters to 13 public radio stations, demanding information about on-air sponsorship announcements.[20]

- Baselessly accused YouTubeTV of religious discrimination based on business decisions about what channels to carry on its service.[21]

- Threatened, using dubious legal authority, to reinterpret Section 230 of the Communications Act to require private social media entities to carry speech that they disagree with or that violates their terms of service and community guidelines.[22]

These recent actions uniformly and improperly wield the regulatory power of your agency to abridge the First Amendment rights of the entities you target. Many of these actions also impermissibly attempt to stretch the bounds of the FCC's authority or engross statutory requirements in ways that are inappropriate, particularly in light of recent court decisions (that you had celebrated) which seek to narrow agency discretion.[23,24] In addition to weaponizing the FCC's Enforcement Bureau, you have also politicized the Media Bureau's licensing regime, echoing persistent calls from President Trump to revoke the broadcast licenses of news outlets that were deemed critical of him.

These recent actions have provoked widespread concern among stakeholders across the political spectrum. A bipartisan group of former Chairs of the FCC each recently criticized this overreach arguing that it threatens fundamental constitutional rights and undermines the

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[19] Letter from Brendan Carr, Chairman, Federal Communications Commission, to Katherine Maher, President and Chief Executive Officer, National Public Radio, and Paula A. Kerger, President and Chief Executive Officer, PBS (Jan. 29, 2025).

[20] MSN, *FCC Asks Public Radio Stations for Details on Sponsorships* (https://www msn.com/en-us/news/us/fcc-asks-public-radio-stations-for-details-on-sponsorships/ar-AA1AphqZ?ocid=BingNewsSerp) (accessed Mar. 21, 2025).

[21] Brendan Carr (@BrendanCarrFCC), X (Mar. 7, 2025 at 2:07 PM) (https://x.com/BrendanCarrFCC/status/1898088195675283501).

[22] *Brendan Carr Has Big Ideas About the FCC and Critics Across the Spectrum*, The Washington Post (Mar. 11, 2025).

[23] Broadband Breakfast, *FCC's Carr: Loper Bright 'Directionally a Really Good Thing'* (Jul. 17, 2024) (https://broadbandbreakfast.com/fccs-carr-loper-bright-directionally-a-really-good-thing/).

[24] *See, e.g.*, *Loper Bright Enterprises v. Raimondo*, 603 U.S. __ (2024).

independence of the Commission.[25,26,27,28,29] Other experts have raised similar concerns related to the lack of FCC jurisdiction to conduct some of these investigations and obvious attempts to attack and punish speech that you, or the President and his supporters, don't like.[30,31]

Further, your current agenda for the FCC stands in sharp contrast to some of your own prior statements condemning actions you considered government censorship. During the prior administration, you were critical of, in your words, "selectively target[ing] a handful of news media outlets for their coverage of political events" and lamented that "regulated entities will pay a price if the targeted newsrooms do not conform to [a President's] preferred political narratives."[32,33] What happened to your concern about "concerted effort[s] . . . to drive political dissent from the public square"?[34] Your own words and previously held beliefs about freedom of speech are crystal clear, and we call on you to end this misconduct and join us "in publicly denouncing [attempts] to stifle political speech and independent news judgment."[35]

The following questions are intended to help us understand how your recent actions and decisions comply with federal law and reflect the FCC's mission and statutory obligations. For each question, please provide any and all responsive information from January 20, 2025, to the present and provide written responses by April 14, 2025.

1) Provide all documents related to the following investigations of media entities, including letters of inquiry, subpoenas, and similar official requests for information as well as all responses to these requests:

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[25] Brookings Institute, *Not 'Deregulation' but Heavy-handed Regulation at the Trump FCC* (Feb. 25, 2025) (https://www.brookings.edu/articles/not-deregulation-but-heavy-handed-regulation-at-the-trump-fcc/).

[26] The Talbot Spy, *Trump Versus Free Speech by Al Sikes* (Feb. 5, 2025) (https://talbotspy.org/trump-versus-free-speech-by-al-sikes/).

[27] *Trump, CBS, and 'News Distortion'*, The Wall Street Journal (Feb. 9, 2025).

[28] The Federalist Society, *Expression over Radio Waves Is Not Exempt from the First Amendment* (Feb. 11, 2025) (https://fedsoc.org/commentary/fedsoc-blog/expression-over-radio-waves-is-not-exempt-from-the-first-amendment).

[29] Broadband Breakfast, *3 Former FCC Chairmen Condemn Brendan Carr's Threats Targeting Media Outlets* (Feb. 20, 2025) (https://broadbandbreakfast.com/3-former-fcc-chairmen-condemn-brendan-carrs-threats-targeting-media-outlets/).

[30] Columbia Journalism Review, *A Plea for Institutional Modesty* (Feb. 6, 2025) (https://www.cjr.org/politics/a-plea-for-institutional-modesty-fcc-corn-revere-brendan-carr-inconsistent-hypocrisy.php).

[31] *See* note 28.

[32] Federal Communications Commission, *FCC Commissioner Carr Responds to Democrats' Efforts to Censor Newsrooms* (Feb. 22, 2021) (press release).

[33] *Id.*

[34] *Id.*

[35] *Id*.

- the FCC investigation of CBS related to the editing of a 60 Minutes episode featuring Vice President Kamala Harris;
- the FCC investigation of ABC related to a 2024 presidential debate;
- the FCC investigation of NBC related to Vice President Harris' appearance on Saturday Night Live and the equal time rule;
- the decision not to reinstate the FCC investigation of FOX related to its coverage of the 2020 election;
- the FCC investigation of KCBS-AM in San Jose, CA related to coverage of ICE activity;
- the FCC investigations of NPR and PBS purportedly related to underwriting and advertisement rules;
- the FCC inquiry of YouTubeTV related to faith-based programming; and
- the FCC inquiry of social media companies related to Section 230.

2) Provide all communications between you and current White House officials and between you and other Trump Administration officials that relate to investigations of these or other media entities.

3) Provide all communications between you and third parties related to investigations of these or other media entities.

4) Explain and provide all supporting documents related to your decision to reinstate the complaints against ABC, CBS, and NBC but not a similar complaint against FOX, including but not limited to any advice provided by the Office of General Counsel.

5) Specifically describe your interpretation of the "public interest standard" you frequently cite and specifically describe the FCC's plan and authority to enforce your interpretation of such standard.[36,37,38]

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[36] Brookings Institute, *Trump's CBS Lawsuit Ties Media Freedom to FCC's Regulatory Power* (Feb. 19, 2025) (https://www.brookings.edu/articles/trumps-cbs-lawsuit-ties-media-freedom-to-fccs-regulatory-power/).

[37] Inside Sources, *Will the FCC's 'Public Interest' Standard Limit Broadcast Free Speech?* (Dec. 3, 2024) (https://dcjournal.com/will-the-fccs-public-interest-standard-limit-broadcast-free-speech/).

[38] Variety, *FCC Chief Brendan Carr Wants to 'Re-Empower' Local TV Stations and Consider Tighter Regulation of Social Media Giants* (Feb. 27, 2025) (https://variety.com/2025/tv/news/fcc-brendan-carr-re-empower-tv-stations-1236323044/).

6) Specifically describe and provide all documents related to your interpretation of the FCC's authority over national broadcast networks.

7) Specifically describe and provide all documents related to your interpretation of the FCC's authority over online video streaming.

8) Specifically describe and provide all documents related to your interpretation of the FCC's authority to interpret Section 230 of the Communications Act.[39]

9) Please provide an accounting of the staff time you have directed toward the investigations identified in this letter and an estimate of the cost associated with that time.

10) Please explain your previous statements adopting the President's agenda and describe any discussions you have had with the President or other executive branch officials during your multiple visits to the President's personal residence in Florida.

11) Please provide all records related to travel with the President on government aircraft and travel to the President's personal residence in Florida for meetings with the President or other White House officials, including detailed receipts of all associated costs borne by the FCC and any ethics advice that was provided related to such travel.

[39] 47 U.S.C. § 230.

If you have any questions about this request, please contact the Committee Democratic staff at (202) 225-2927.

Sincerely,

Frank Pallone, Jr.
Ranking Member

Doris Matsui
Ranking Member
Subcommittee on Communications
and Technology

Yvette D. Clarke
Ranking Member
Subcommittee on Oversight
and Investigations

cc: The Honorable Brett Guthrie
Chairman

The Honorable Richard Hudson
Chairman
Subcommittee on Communications and Technology

The Honorable Gary Palmer
Chairman
Subcommittee on Oversight and Investigations

Irene Ly

From: Nancy Murphy
Sent: Friday, May 1, 2026 3:41 PM
To: Alexander Sanjenis
Subject: NFL Channel Blackout on Comcast Systems

Just a heads up for you since you're still our acting chief!

https://cordcuttersnews.com/comcast-loses-the-nfl-network-over-contract-fight/

Comcast's Xfinity cable and television service has dropped the NFL Network from its lineup, leaving millions of subscribers without access to the league's dedicated 24-hour channel. The blackout, which began late Thursday night following the expiration of prior distribution agreements, comes just months after ESPN officially completed its acquisition of NFL Network and related assets from the National Football League.
In a statement to Cord Cutters News Comcast said: "Our contract to carry NFL Network and NFL Red Zone has expired, and we're in discussions with the new owner, Disney/ESPN, about our future carriage of the network."
Update Disney sent Cord Cutters News this statement about the blackout: "We understand how disappointing and disruptive this is for football fans who have lost access to NFL Network and RedZone Channel as part of their Xfinity TV lineup. We proposed keeping these channels available while we continued good-faith negotiations, but unfortunately, Comcast declined and took them down. Despite this, we remain fully committed to reaching a fair agreement and restoring access to our best-in-class NFL programming as quickly as possible."

Irene Ly

From: Eduard Bartholme
Sent: Tuesday, April 28, 2026 10:34 PM
To: Alexander Sanjenis
Subject: Re: [EXTERNAL]: Fw: NRB Complaint Regarding Jimmy Kimmel Live! Broadcast
Attachments: FCC Complaint Final [93].docx

Alex,

Here is the complaint. It was filed yesterday afternoon by Troy Miller. The attachment is what was provided in lieu of a description in the ticket. I have it on-hold.

More broadly we have about 275 complaints on this topic as of COB today.

Regards
Ed

From: Alexander Sanjenis
Date: Monday, April 27, 2026 at 5:11 PM
To: Eduard Bartholme
Subject: RE: [EXTERNAL]: Fw: NRB Complaint Regarding Jimmy Kimmel Live! Broadcast

Eduard,
(b) (5)
(b) (5)

From: Nic Anderson
Sent: Monday, April 27, 2026 4:39 PM
To: Alexander Sanjenis
Subject: [EXTERNAL]: Fw: NRB Complaint Regarding Jimmy Kimmel Live! Broadcast

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Greetings, Alexander-
My name is Nic Anderson, and I'm honored to serve in a dual role as Vice President of Public Policy for the National Religious Broadcasters (NRB) and Vice President of Government Affairs for Salem Media Group. Together, these roles place me at the intersection of faith-based media and federal policy.

I understand Erin is currently out of the office on medical leave, so I wanted to forward along the note I had just sent to her.

I've been developing a strong working relationship with Erin in both of my roles, and she has been very helpful with various questions and requests over time. I wanted to make sure she was aware that NRB has filed a formal complaint for FCC review regarding the April 23 broadcast of ABC's *Jimmy Kimmel Live!* and to ensure it was on her radar in case she, or Chairman Brendan Carr, had any questions after reviewing it.

I appreciate your time and wanted to make sure this was properly brought to your attention while Erin is away.

Please let me know if you have any questions.

Nic

NIC ANDERSON

Vice President, Public Policy

Cell/Text: (b) (6)

Email: nanderson@nrb.org

NRB ASSOCIATION | NRB CONVENTION

NRB
An Association of
Christian Communicators

From: Nic Anderson <nanderson@nrb.org>
Sent: Monday, April 27, 2026 3:21 PM
To: Erin Boone <erin.boone@fcc.gov>
Subject: NRB Complaint Regarding Jimmy Kimmel Live! Broadcast

Erin,

Hope you're doing well.

I wanted to flag for you that NRB has submitted the attached complaint/request for FCC review regarding the April 23 broadcast of ABC's *Jimmy Kimmel Live!*.

The concern stems from Jimmy Kimmel's monologue during what was framed as a parody of the upcoming White House Correspondents' Dinner. Specifically, he made the comment to First Lady Melania Trump: "Mrs. Trump, you have the glow of an expectant widow."

As everyone now knows, just two days later there was an assassination attempt involving the President and other federal officials at that same event. Given that timing and the seriousness of the circumstances, NRB believes the comment deserves closer review. We are simply asking the Commission to review the facts, investigate appropriately, and determine whether further action is warranted.

I wanted to make sure this was on your radar directly.

As always, appreciate your time and all your help, and if you have any questions, by all means please let me know.

Nic

NIC ANDERSON

Vice President, Public Policy

Cell/Text: (b) (6)

Email: nanderson@nrb.org

NRB ASSOCIATION | **NRB CONVENTION**

NRB
An Association of
Christian Communicators

National Religious Broadcasters requests that the Federal Communications Commission investigate and sanction, as warranted by evidence discovered thereby, ABC Television as a result of the broadcast on Jimmy Kimmel Live! broadcast on April 23, 2026. The broadcast purported to be a parody of the upcoming White House Correspondents' Dinner.

During his monologue, Mr. Kimmel said, “Our first lady, Melania, is here. Look at Melania, so beautiful. Mrs. Trump, you have the glow of an expectant widow.”

The dinner took place on April 25, 2026, two days later. As the whole world knows, there was an attempt on the life of the president and other federal officials at said dinner.

NRB respectfully suggests that Mr. Kimmel’s statement could well be interpreted as an instigation of violence against the life of the President of the United States. Incitements to kill or inflict bodily harm on the President of the United States are serious felonies. “Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States . . . by the assassination of any officer of any such government” is subject to twenty years in prison. 18 U.S.C. § 2385.

While the FCC is bound by both the First Amendment of the Constitution and federal law (47 U.S.C. § 326) to respect freedom of speech, the First Amendment does not protect speech that incites violence. *Brandenburg v. Ohio,* 395 U.S. 444 (1969). Speech is unprotected if: (1) it explicitly or implicitly encourages lawless action; (2) the speaker must intend the speech will result in such action; and (3) imminent lawless action must be the likely result. *Id.*

On the face of it, there is good reason to believe that the first element is satisfied, and the third is likely satisfied. We have no information concerning the second element. Only a proper and

thorough investigation can establish the presence of all three elements.

While the FCC generally defers adjudication of such matters in favor of resolution by local courts, this situation appears to fit the exception recognized in the Commission's precedents.

> Under *Brandenburg*, any determination that particular speech poses a "clear and present danger of serious substantive evil" presupposes a familiarity with the circumstances, issues, and concerns of the community where such speech was heard, a familiarity which the Commission, in most cases, does not have and cannot practically obtain. Local authorities responsible for keeping the peace and enforcing the law are better positioned to know and assess the specific and unique circumstances in the . . . community and, thus, to determine whether the *Brandenburg* test has been met.

Greater Bos. Radio, Inc., 19 F.C.C. Rcd. 13064, 13066 (2004).

This was not a local broadcast, however. It was a national broadcast involving apparent incitement to an attempt on the life of the President of the United States. Local authorities thus are not "better positioned to know and assess the specific and unique circumstances" surrounding the incitement to violence. *Greater Bos. Radio, Inc.* recognized that an exception may well exist in such cases. We suggest that given the combined factors of a national broadcast and incitement against the life of the President, such an exception is warranted here.

NRB does not opine on what sanctions would be warranted should the Commission determine that the *Brandenburg* test has been satisfied. We leave that to the discretion of the Commission.

We respectfully request an investigation into this matter.

Thank you for your consideration.

Troy Miller

President

National Religious Broadcasters

Irene Ly

From: David Brown
Sent: Friday, May 29, 2026 10:01 AM
To: Alexander Sanjenis; William Durdach
Cc: Dana Leavitt; Chris Robbins
Subject: RE: ABC Renewals Update

(b) (5) [redacted]

From: Alexander Sanjenis
Sent: Friday, May 29, 2026 9:59 AM
To: William Durdach
Cc: Dana Leavitt ; David Brown ; Chris Robbins
Subject: FW: ABC Renewals Update

Bill,

(b) (5) [redacted]

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Thursday, May 28, 2026 8:39 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Anthony Patrone <Anthony.Patrone@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>; Chris Robbins <Chris.Robbins@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: ABC Renewals Update

(b) (5) [redacted]

Allison Howell
Legal Advisor
Office of FCC Chairman Brendan Carr
allison.howell@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, May 28, 2026 8:37 PM
To: Allison Howell <Allison.Howell@fcc.gov>; Anthony Patrone <Anthony.Patrone@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>; Chris Robbins <Chris.Robbins@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: ABC Renewals Update

All of the renewal applications have been filed. Each callsign links to the facility page where you can see the renewal application on the right and see that the expiration dates are all reset to the regular expiration date.

KFSN-TV, Fresno, CA

KABC-TV, Los Angeles, CA

KGO-TV, San Francisco, CA

WLS-TV, Chicago, IL

WABC-TV, New York, NY

WTVD, Durham, NC

WPVI-TV, Philadelphia, PA

KTRK-TV, Houston, TX

From: Will Wiquist
To: Greg Watson; Allison Howell
Cc: Katie Gorscak; Katie McAuliffe; Adam Jackman
Subject: Associated Press re: Gomez AP Interview on Media Issues
Date: Thursday, May 21, 2026 2:01:31 PM

The AP interviewed Commissioner Gomez yesterday regarding Disney etc. They are asking if we have any comment. Their deadline is 2pm tomorrow.

(b) (5) [redacted]

From: Sloan, Steven <SSloan@ap.org>
Sent: Thursday, May 21, 2026 11:51 AM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: From AP/Gomez interview

Hello,
Steven Sloan with the AP here — hope you're doing well.
Touching base because I did an interview yesterday with Commissioner Gomez for a Q&A-style story. We talked about her recent letter to Disney and her broader criticism of the FCC and activity by the agency that she says violates the First Amendment. This is mostly what she has already said publicly but I wanted to be in touch to see if Chairman Carr would like to offer any response. You're welcome to respond here or on my cell: ((b) (6) [redacted]).
My deadline is **2p ET tomorrow (Friday)**. I'm on a flight much of this afternoon but should have access to email/text and am available at any point ahead of my deadline tomorrow.
Thanks much,

Steven Sloan
Washington correspondent, The Associated Press
(b) (6) [redacted]

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From: Jim Balaguer
To: Greg Watson; Connor Glisson
Subject: FW: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members
Date: Friday, May 22, 2026 11:32:02 AM

FYI - Follow-up from E&C O&I Minority staff on the response to their letter regarding the Disney TV licenses renewal proceeding and other issues. Please advise. Thanks.

From: McAuliffe, Will <Will.McAuliffe@mail.house.gov>
Sent: Friday, May 22, 2026 11:24 AM
To: Jim Balaguer <Jim.Balaguer@fcc.gov>
Cc: Desai, Parul <Parul.Desai@mail.house.gov>; O'Connor, Constance <Constance.OConnor@mail.house.gov>; Alethea Lewis <Alethea.Lewis@fcc.gov>
Subject: RE: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

> You don't often get email from will.mcauliffe@mail.house.gov. Learn why this is important

Mr. Balaguer,

Checking in on this as you never confirmed receipt, and a response was requested by last week. Please confirm receipt and that Chairman Carr intends to respond so that we can update the Ranking Members accordingly.

Best,
Will

From: McAuliffe, Will
Sent: Thursday, April 30, 2026 2:29 PM
To: jim.balaguer@fcc.gov
Cc: Desai, Parul <Parul.Desai@mail.house.gov>; O'Connor, Constance <Constance.OConnor@mail.house.gov>; 'alethea.lewis@fcc.gov' <alethea.lewis@fcc.gov>
Subject: Correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Members

Mr. Balaguer,

Please find attached correspondence to Chairman Carr from House Committee on Energy and Commerce Ranking Member Pallone, Subcommittee on Oversight and Investigations Ranking Member Clarke, and Subcommittee on Communications and Technology Ranking Member Matsui.

Please confirm receipt at your earliest convenience and let us know if you have any questions.

Best,
Will

Will McAuliffe

Chief Counsel
Subcommittee on Oversight and Investigations
House Committee on Energy and Commerce Democrats

Mobile/Signal: (b) (6)
E&C Democrats Whistleblower Tipline

From: Katie Gorscak
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: [EXTERNAL]: Politico - Request for comment on Senate Democratic letter on Disney licensing
Date: Thursday, May 7, 2026 3:41:09 PM

Adding a similar inquiry from Law360.

Law360 (Courtney Buble)
Do you have any comment on this letter a bunch of Senate Democrats sent to FCC Chair Carr today regarding the FCC's order to The Walt Disney Company to file early license renewals for its eight ABC broadcast stations? If you could respond asap that would be great.

From: Katie Gorscak
Sent: Thursday, May 7, 2026 1:34 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: FW: [EXTERNAL]: Politico - Request for comment on Senate Democratic letter on Disney licensing

OCH Team:

Flagging the below in case there is anything we'd like to provide, though it sounds like that Chairman may have already provided some comments yesterday.

Katie

From: John Hendel <jhendel@politico.com>
Sent: Thursday, May 7, 2026 1:00 PM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Politico request for comment on Senate Democratic letter on Disney licensing

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Hi all,

A group of Senate Democrats led by Sen. Markey just asked the chairman to immediately rescind last week's Disney licensing order and raised some questions about the motivation.

Any FCC comment we should include?

I'll include some of the chairman's comments from a small scrum about the issue yesterday at the CTIA summit either way, but just holler if any comment specific to the letter and we can update and have in. We'll likely publish shortly but can update as needed.

Thanks for any time!

All the best,

John Hendel
Technology Reporter | **POLITICO**
Cell/Signal: (b) (6)
Email: jhendel@politico.com
X/Twitter: @JohnHendel

From: Katie Gorscak
To: Benjamin Mullin
Cc: Greg Watson
Subject: RE: [EXTERNAL]: Request for comment — NYT
Date: Monday, June 22, 2026 1:58:11 PM

Thanks for reaching out. We can provide you with the following from an FCC spokesperson:

- Disney wants the FCC to classify 'The View' as a "bona fide news program." And it has chosen to run a campaign of misinformation to make its case—misleading viewers about the law. That is a choice.

Regards,

Katie

From: Benjamin Mullin <benjamin.mullin@nytimes.com>
Sent: Monday, June 22, 2026 11:51 AM
To: Greg Watson <Gregory.Watson@fcc.gov>
Cc: Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: [EXTERNAL]: Request for comment — NYT

You don't often get email from benjamin.mullin@nytimes.com. Learn why this is important

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Hello! I'm just checking to see if Chairman Carr has any comment for this story:

https://www.nytimes.com/2026/06/22/business/media/the-view-fcc-abc-investigation.html

--
Cell/Signal/WhatsApp: (b) (6)

From: Katie Gorscak
To: Greg Watson; Allison Howell; Adam Jackman; Katie McAuliffe
Cc: Will Wiquist
Subject: RE: Press inquiries re: Jimmy Kimmel comments
Date: Tuesday, April 28, 2026 11:29:48 AM

Note: Changing the subject line of this to reflect these are additional inquiries on this topic.

Business Insider (James Faris)
I'm writing about the latest Jimmy Kimmel controversy and wanted to get an updated comment from the FCC after Kimmel's show last night. Let me know if there's a comment. Thanks!

Interview Request: Religion News Service (Fiona Andre)
Hi FCC press team, For Religion News Service, I'm reaching out for comments on the National Religious Broadcasters' request that the FCC open an investigation into ABC TV over Jimmy Kimmel's jokes about Melania Trump. Is someone available for a brief interview, or would you like to provide a statement I can include in the story? I'm available for an interview at 1 p.m. ET. My deadline for the story is 4 pm ET.

From: Katie Gorscak
Sent: Tuesday, April 28, 2026 9:47 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here are the latest inquiries on this topic.

NBC News (Daniel Arkin)

Does the FCC and/or Chairman Carr have comment on:

- The criticism of Jimmy Kimmel from POTUS and FLOTUS
- POTUS' calls for Kimmel's firing from ABC
- Kimmel's response to the criticism on last night's "JKL!"

USA Today (BrieAnna Frank)
My name is BrieAnna Frank, and I'm a First Amendment reporter at USA TODAY. Reaching out because I'm working on a story about the controversy over Jimmy Kimmel's remarks about First Lady Melania Trump ahead of the WHCD shooting.

Both President and Mrs. Trump have called for ABC to take action against Kimmel. I was hoping the FCC could confirm if Chairman Carr is pursuing any action against ABC over his comments last week. Does Chairman Carr have any comment on this controversy?

Any information or context the FCC would like to provide for this story by 12 p.m. ET would be much appreciated. Thank you!

Newsweek (Amanda Castro)
My name is Amanda Castro, an editor from Newsweek, and I am reaching out to request comment from the Federal Communications Commission regarding public concerns raised about recent remarks made by ABC late-night host Jimmy Kimmel.
Several elected officials and public figures have questioned whether the segment in which Mr. Kimmel referenced the First Lady and the President could fall under any area of FCC review or broadcast-standards scrutiny.
To assist with our reporting, could you please address the following:

- Does the FCC have any role in evaluating complaints related to this segment or similar late-night broadcast content?
- Has the FCC received any complaints regarding Mr. Kimmel's recent remarks?
- Is Mr. Kimmel or ABC under any form of review, inquiry, or potential disciplinary consideration by the FCC at this time?
- More broadly, how does the FCC assess concerns about rhetoric involving public officials when aired on broadcast television?

Any on-the-record comment or guidance you can provide would be greatly appreciated.

Newsweek (Khaleda Rahman)
President Trump and the First Lady have both called for ABC to fire Jimmy Kimmel over a joke he made about the First Lady last week, in the wake of Saturday's shooting: https://www.newsweek.com/jimmy-kimmel-melania-trump-correspondents-dinner-donald-11883026

Does the FCC and/or Chairman Brendan Carr have any comment or a statement in response to this?
Does the FCC support the president's call for Kimmel to be fired or taken off air?

Has the FCC received any complaints about this?
Will it be investigating the matter?

Independent Media (Thomas Murray)
My name is Tom Murray and I'm the US Culture & Lifestyle News Editor for The Independent. I'm getting in touch because we're covering the news that the National Religious Broadcasters Association (NRB) has filed a complaint with the Federal Communications Commission, asking it to investigate Jimmy Kimmel's joke about First Lady Melania Trump having "the glow of an expectant widow." Can the FCC confirm receipt of this complaint and whether it plans to action an investigation into Kimmel?

Communications Daily (Monty Tayloe)
I'm writing something for Communications Daily about President Trump and the First Lady calling for Jimmy Kimmel to be fired, and I was wondering if Chairman Carr has any comment about that, on whether the FCC will act, or if he has any comment on the attempted attack on WHCA dinner in general.

From: Katie Gorscak

Sent: Monday, April 27, 2026 1:52 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here's the latest batch of inquiries on this topic.

Fox (Kevin Gora)
Does the FCC have anything to add in comment on top of the First Lady's comments reacting to Jimmy Kimmel's comments on the White House Correspondent's Dinner. https://x.com/FLOTUS/status/2048769128513585618?s=20

Sorry for the spam but wanted to follow up after Trump's latest Truth Social post calling ABC/Disney to fire Jimmy Kimmel. Please let me know if you have a statement on this or if the Chairman supports this demand. https://truthsocial.com/@realDonaldTrump/posts/116477838570626860

Bloomberg (Kelcee Griffis)
Checking in to see if the chairman's office can comment on Jimmy Kimmel's remarks about the president and First Lady on ABC, which prompted the First Lady to call for action against the network. Do Kimmel's comments in connection with the White House Correspondents Dinner rise to the level of federal intervention? Will the FCC investigate them?

Deadline (Ted Johnson)
I wanted to see if Chairman Carr has any comment about the First Lady's post on Jimmy Kimmel.

From: Katie Gorscak
Sent: Monday, April 27, 2026 12:01 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: Press inquiry from Newsmax: Jimmy Kimmel comments

Here are some additional inquiries on this topic.

Hollywood Reporter (Alexander Weprin)
Good morning, given Melania Trump's post this morning about Jimmy Kimmel, I wanted to see if the FCC is planning any sort of inquiry into the matter.

Politico (John Hendel)
We saw the First Lady just raised concerns about Jimmy Kimmel's recent remarks ahead of the WHCD and noted: "People like Kimmel shouldn't have the opportunity to enter our homes each evening to spread hate."

Any comment from the FCC on this? Kimmel also mentioned the chairman (and in pretty blunt terms). Is there a regulatory role here to address any of the concerns? Has there been any discussion with the First Lady's office or other folks in the White House to that end?

That would have been my next question to the chairman as he was leaving the NTCA conference this morning — thanks for any time if you can say!

From: Katie Gorscak
Sent: Monday, April 27, 2026 9:14 AM
To: Greg Watson <Gregory.Watson@fcc.gov>; Allison Howell <Allison.Howell@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>; Katie McAuliffe <Katie.McAuliffe@fcc.gov>
Cc: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Press inquiry from Newsmax: Jimmy Kimmel comments

Good morning, OCH:

See below for a press inquiry from NewsMax regarding comments made by Jimmy Kimmel regarding the shooting on Saturday.

(b) (5) [redacted]

Regards,

Katie

From: Heather Myers <heathermyerstv@gmail.com>
Sent: Sunday, April 26, 2026 8:53 PM
To: MediaRelations <MediaRelations@fcc.gov>
Subject: [EXTERNAL]: Reporter on deadline

You don't often get email from heathermyerstv@gmail.com. Learn why this is important

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My name is Heather Myers, correspondent from Newsmax. I am reaching out regarding Jimmy Kimmel and a recent monologue where he was mocking the White House Correspondent Dinner and pretending to say to the first lady, "Mrs. Trump, you have a glow like an expectant widow."
These remarks came shortly before a gunman was accused of running past security with the intent to kill members of the Trump administration at the dinner.
What does the FCC have to say about Jimmy Kimmel's comments? Where is the line between free speech and provoking violence?
Does the FCC have any statement to make regarding Jimmy Kimmel's comments?

I am on deadline-

Heather Myers
Newsmax
(b) (6)

Microsoft Outlook

From: Scott Bouboulis
Sent: Wednesday, June 3, 2026 9:46 AM
To: Jin Lee
Subject: Accepted: Disney

Microsoft Outlook

From: Scott Bouboulis
Sent: Monday, June 8, 2026 11:05 AM
To: Anthony Patrone
Subject: FW: [EXTERNAL]: Petition for Declaratory Ruling
Attachments: As filed - Petition for Declaratory Ruling.pdf

From: Anthony Patrone <Anthony.Patrone@fcc.gov>
Sent: Friday, May 8, 2026 1:48 PM
To: Scott Bouboulis <Melvin.Bouboulis@fcc.gov>
Subject: FW: [EXTERNAL]: Petition for Declaratory Ruling

From: Allison Howell <Allison.Howell@fcc.gov>
Sent: Friday, May 8, 2026 11:56 AM
To: Anthony Patrone <Anthony.Patrone@fcc.gov>
Subject: Fw: [EXTERNAL]: Petition for Declaratory Ruling

From: Tatel, Jennifer <JTatel@wbklaw.com>
Sent: Friday, May 8, 2026 11:03:23 AM
To: Allison Howell <Allison.Howell@fcc.gov>
Subject: [EXTERNAL]: Petition for Declaratory Ruling

You don't often get email from jtatel@wbklaw.com. Learn why this is important

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Allison,

Attached please find a courtesy copy of a Petition for Declaratory Ruling filed yesterday.

Please let me know if you have any questions.

Thanks,
Jennifer

WILKINSON) BARKER) KNAUER) LLP

Jennifer Tatel
Partner, Management Committee Member
1800 M Street NW Suite 800N
Washington, DC 20036
Tel: 202.383.3344
JTatel@wbklaw.com
vCARD

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

May 7, 2026

Summary

The Commission's order to file this Petition for Declaratory Ruling is unprecedented, beyond the Commission's authority, and counterproductive to the Commission's stated goal of encouraging free speech and open political discussion. The Commission's actions threaten to upend decades of settled law and practice and chill critical protected speech, both with respect to *The View* and more broadly.

The View has been broadcasting under a bona fide news exemption granted to it more than twenty years ago, consistent with longstanding Commission interpretations designed to minimize the serious First Amendment problems inherent in the equal time regime.[1] *The View*'s exemption remains valid and the constitutional infirmities in the equal time doctrine are even more pronounced today, when the broadcast airwaves account for a slice of the numerous media options through which Americans get their political information. Indeed, the marketplace of ideas has never been more robust, and people can hear virtually any brand of political commentary by listening to a podcast, watching cable, scrolling social media, or streaming on a phone, computer or connected TV. The free flow of ideas flourishes on these non-broadcast platforms even though the equal opportunities rule does not apply there.

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[1] *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Although the line up of the co-hosts has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

The public interest would best be served by supporting broadcasters' efforts to maintain their place in this marketplace of ideas. Narrowing the Commission's long-established approach to bona fide news exemptions, however, would risk restricting political discourse exactly when it is needed most. While candidates are always able to connect with voters on cable, podcasts, and social media, specifically requiring broadcast airtime for all qualified candidates does not expand speech; rather, it makes coverage infeasible, which ultimately reduces it. In California's upcoming gubernatorial "jungle primary," for instance, affording equal time would mean accommodating over 60 legally qualified candidates, regardless of their perceived newsworthiness. The government should neither suppress nor compel speech in support of any political viewpoint in order "to achieve [the state's] own conception of speech nirvana."[2] That includes telling a private publisher "how to exercise their editorial discretion about what content to carry or favor."[3]

Some may dislike certain—or even most—of the viewpoints expressed on *The View* or similar shows. Such dislike, however, cannot justify using regulatory processes to restrict those views. The government does not get to decide "what shall be orthodox in politics, nationalism, religion, or other matters of opinion."[4] Or which "ideas and beliefs [are] deserving of expression [and] consideration."[5] The danger is that the government will simply decide which perspectives to regulate and which to leave undisturbed. In fact, while the Commission now questions *The View*'s decades-long exemption, it has not expressed any inclination to apply a similar

---

[2] *Moody v. NetChoice, LLC*, 603 U.S. 707, 742 (2024).

[3] *U.S. Telecom Ass'n v. FCC*, 855 F.3d 381, 435 (D.C. Cir. 2017) (Kavanaugh, J., dissenting from denial of rehearing en banc).

[4] *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

[5] *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994).

interpretation of the equal opportunities rule to other broadcasters, including the many voices—conservative and liberal—on broadcast radio. And as a broad array of voices, including many conservatives, have recognized, if the government is allowed to discriminate on the basis of viewpoint in a Republican administration, there is little preventing it from doing so when the Democrats are in charge.[6]

Until now, it has never been disputed that *The View* qualifies as a bona fide news interview program. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau confirming that status. That Declaratory Ruling remains in full force and effect. The Commission has taken no action over the last two decades to modify or overturn the Declaratory Ruling and there is no basis for doing so now. Given that KTRK Television acted in good faith reliance on the Declaratory Ruling and the consistent guidance provided by the Commission for decades, the Commission cannot find now that KTRK Television violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.

Nevertheless, at the end of March, the Media Bureau ordered KTRK Television to file another Petition for Declaratory Ruling regarding *The View*'s status as a bona fide news interview program. In parallel, on April 28, 2026, the Media Bureau issued an extraordinary order demanding the early filing of all of ABC's license renewal applications, including for KTRK-TV. Combined with the Commission's other recent actions, including publicly

---

[6] *See, e.g.*, Alexandra Koch, *Cruz warns conservatives 'will regret' FCC censorship push against ABC, other media outlets*, Fox News (Sept. 19, 2025), https://foxnews.com/politics/cruz-warns-conservatives-will-regret-fcc-censorship-push-against-abc-other-media-outlets; Ben Shapiro, *Glad Kimmel's Gone But Don't Overreach*, The Daily Wire (Sept. 18, 2025), https://www.dailywire.com/news/glad-kimmels-gone-but-dont-overreach.

announcing its investigation concerning *The View* and presaging an outcome,[7] this suggests that the Commission is implementing major shifts in policy and practice, including how the Commission intends to apply the equal opportunities requirements. Such an abrupt and substantial change in long-established policy requires the action of the full Commission and the oversight of the courts.

The View continues to qualify as a bona fide news interview program because it continues to meet all of the legal requirements set forth by Congress and the Commission. Specifically, (1) *The View* is a regularly scheduled program, (2) *The View* is fully controlled by ABC, which produces the show for broadcast by the ABC Television Network, and (3) decisions concerning *The View*'s format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy. With respect to whether a broadcaster's programming decisions are based on newsworthiness, the Commission has long recognized that it was Congress's intent that the Commission respect the good faith news judgments of broadcast licensees.

Uncertainty as to the scope of broadcast licensees' editorial discretion threatens to limit news coverage of political candidates and chill core First Amendment-protected speech for years and potentially decades to come. As the 2026 midterm election approaches, the American people need more access to political news and more exposure to political candidates, not less. The Commission therefore must act quickly to assure broadcasters that it will uphold long-established legal standards by affirming that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

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[7] *See, e.g.*, Madison Columbo, *FCC chair warns 'The View' faces 'uphill climb' in equal-time probe*, Fox Business (Feb. 27, 2026), https://www.foxbusiness.com/media/fcc-chair-warns-the-view-faces-uphill-climb-equal-time-probe.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

I. INTRODUCTION.

By this Petition, KTRK Television, Inc. ("KTRK Television"), licensee of station KTRK-TV, Houston, Texas ("KTRK"), and its parent company, American Broadcasting Companies, Inc. (individually and together with KTRK Television, "ABC"), comply with the Commission's unprecedented order to request that the Commission affirm that *The View* is a "bona fide news interview" program under 47 U.S.C. § 315(a).[8] The Commission has analyzed this program already, and the factors that drove that decision remain controlling today. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau that *The View* qualifies as a bona fide news interview program. Consistent with that ruling, hundreds of political candidates across the political spectrum and other notable and newsworthy figures have appeared on *The View* over the past two decades, in full compliance with the Act and the Commission's rules.

However, as the 2026 election season approaches, recent statements from the Commission suggest a significant change in how it will apply its long-standing rules and

[8] While the Commission's order was directed to KTRK Television, the existing Declaratory Ruling was issued to ABC.

standards concerning the bona fide news exemptions to the equal opportunities requirements. On January 21, 2026, the FCC's Media Bureau released a *Public Notice* which purports to provide guidance on the equal opportunities requirement.[9] Rather than provide clarity, however, the *Public Notice* has created harmful ambiguity in an area where none previously existed and has a chilling effect on First Amendment-protected free speech on the eve of the 2026 elections. The *Public Notice* states that the Media Bureau "has not been presented with any evidence" that any current late night or daytime television talk show would qualify as a bona fide news interview program.[10] The *Public Notice* thus "encourages" any program or station that wishes to obtain formal assurance that it qualifies for the bona fide news exemption to file a request for declaratory ruling. The *Public Notice* reiterates certain elements of the standards that have long applied to the equal opportunities requirements and the bona fide news exemption, while simultaneously casting doubt on whether the Commission would continue to interpret those standards consistently with the approach it has taken for over 40 years.[11]

On February 11, 2026, the Media Bureau sent a Letter of Inquiry ("LOI") to KTRK Television concerning the appearance of senatorial primary candidate James Talarico on *The*

---

[9] *FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations*, Public Notice, DA 26-68 (rel. MB Jan. 21, 2026) ("*Public Notice*").

[10] *Id.* at 4. The *Public Notice* conspicuously omits any reference to radio broadcasters.

[11] The *Public Notice* also contradicts prior Commission statements that formal petitions for declaratory ruling are not necessary for stations to be covered by the bona fide news exemptions. *See Request of Infinity Broadcasting Operations Inc.*, Declaratory Ruling, 18 FCC Rcd 18603, 18604 (MB 2003) ("*Infinity Declaratory Ruling*") ("[W]e emphasize that licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not seek formal declaration from the Commission that that such programs qualify as news exempt programming under Section 315(a).").

View, which aired on KTRK on February 2, 2026.[12] The LOI inquired whether the station had placed a record of the Talarico appearance in the station's political file and whether KTRK Television took the position that *The View* qualified as a bona fide news interview program. KTRK Television responded on February 12, 2026 that *The View* qualifies as a bona fide news interview program and, accordingly, the station had not placed a record of the Talarico appearance in the station's political file.

On March 26, 2026, the Media Bureau sent KTRK Television a Supplemental Letter of Inquiry ("SLOI") stating that it needed additional information concerning the matter.[13] The Bureau based its need for further inquiry on its assertion that "19 ABC affiliates serving parts of Texas all filed a notice of Mr. Talarico's February 2 appearance on *The View* pursuant to 47 CFR § 73.1943."[14] Thus, the Bureau suggested, "the assertion by KTRK Television, Inc. that *The View* qualifies for the *bona fide* news interview exception is not a position uniformly held by broadcasters that air the program."[15] The Bureau neglected to note, however, that while certain ABC affiliates documented Talarico's appearance in their online public inspection files, the filings were made more than two weeks after Talarico's appearance and apparently at the request of the FCC, which reportedly promised to eschew enforcement for the late filing. KTRK Television received no such request and no such offer, despite the Bureau specifically contacting

[12] Letter from Erin Boone, Acting Chief, Media Bureau, FCC, to KTRK Television Inc., KTRK, Houston, TX (Fac. Id. 35675) (Feb. 11, 2026) ("LOI").

[13] Letter from Erin Boone, Chief, Media Bureau, FCC, to KTRK Television, Inc., KTRK, Houston, TX (Fac. Id. 35675), at 3 (Mar. 26, 2026) ("SLOI").

[14] *Id.*

[15] *Id.*

it about the Talarico appearance less than 10 days after it occurred.[16] The Bureau concluded the SLOI with an unprecedented order: "[W]e direct KTRK Television, Inc. to produce and submit to the Commission a petition for declaratory ruling regarding *The View* that satisfies the statutory requirements for a bona fide news exemption."[17]

The Bureau lacks the authority to issue an order mandating a licensee to file a petition for declaratory ruling. In support of its unprecedented order, the Bureau cited to the Commission's general authority to issue orders and conduct its proceedings as necessary to execute its functions.[18] Such authority, however, gives the Commission latitude to determine the manner in which it conducts its business, not blanket authority to order licensees to file petitions or initiate legal proceedings. Moreover, such an order flatly contradicts prior statements that "licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not

[16] At the time of the February 11, 2026, LOI, it appears that *none* of the 19 ABC affiliates referenced by the Media Bureau had seen fit to place a notification of the February 2 Talarico appearance in their political files.

[17] *Id.* On April 28, 2026, the Bureau issued an extraordinary order demanding that KTRK Television, along with all of ABC's broadcast licensees, file their license renewal applications years ahead of schedule, and has cited as its rationale the inadequacy of the Company's response to the FCC's investigation into the Company's diversity, equity, and inclusion (DEI) practices. *The Walt Disney Company, American Broadcasting Company, et. al.*, Order, DA 26-416, ¶ 2 n.1 (MB rel. Apr. 28, 2026). In that DEI investigation, the Company received a Letter of Inquiry from the Enforcement Bureau on June 5, 2025, and promptly negotiated an agreed scope and timetable for its responses with the Bureau. Between July and September 2025, the Company produced over 6,200 pages of documents in response consistent with the schedule and scope agreed to by the Bureau. The Company next heard from the Commission five months later when the Commission issued an expansive Supplemental Letter of Inquiry. The Company completed its response to the Supplemental Letter of Inquiry on April 21, 2026, on the timetable agreed to by the Bureau, producing a 38 page narrative response to the Commission's 78 additional written requests and producing an additional 4,839 pages of documents—one week before the Bureau's order requiring early license renewal applications.

[18] *Id.* (citing 47 U.S.C. § 154(i) and(j) and 47 C.F.R. § 1.1).

seek formal declaration from the Commission that such programs qualify as news exempt programming under Section 315(a)."[19]

As for the merits, the Commission should interpret the exception to cover *The View* to avoid the serious constitutional problems that would arise from applying the equal opportunities rule to the program. While the Supreme Court may once have upheld the FCC's distinct "personal attack" and "political editorial" regulations,[20] the fundamental factual predicates of that decision no longer exist. The decision to hold broadcasters—and broadcasters alone—to a different First Amendment standard was dubious then and unsupportable now. In the absence of any meaningful scarcity of information resources, it is difficult to see how the equal opportunities rule can survive First Amendment scrutiny. The Commission should avoid those constitutional concerns by affirming that *The View* still qualifies for a Section 315(a) exemption as a bona fide news interview program.

As noted above, the Commission previously ruled that *The View* is exempt from the equal opportunities requirements as a bona fide news interview program. There has been no subsequent action from the Commission modifying or overturning that ruling. As KTRK (and all other stations airing *The View*) acted in accordance with that determination, the Commission cannot find that KTRK Television or any other licensee violated any aspect of those requirements with respect to the appearance of Talarico or any other political candidate on *The View*.

ABC stresses its full commitment to compliance with all regulations, statutes and, of course, the Constitution, and believes it has acted consistently with them. As demonstrated herein, there can be no doubt that *The View* continues to qualify as an exempt bona fide news

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[19] *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

[20] *Red Lion Broad. Co. v. FCC*, 395 U.S. 367 (1969).

interview program. As additional elections approach, however, ABC and similarly situated broadcasters face complex programming decisions, including with respect to bookings of legally qualified candidates. Uncertainty fostered by the *Public Notice* as to the scope of broadcast licensees' editorial discretion and, conversely, their obligation to air material that they otherwise might not, chills core First Amendment-protected speech.

Because of this uncertainty and its harmful effects on free speech, it is critical that the Commission act quickly to reaffirm its long-standing principles concerning bona fide news programming, as well as *The View*'s qualification as a bona fide news interview program. Affirming *The View*'s exempt status will advance the Congressional mandate to bring "the news concerning political races to the greatest number of citizens,"[21] support the public interest service provided by broadcast station licensees, and ratify the Commission's dedication to core First Amendment principles. Indeed, constitutional avoidance compels *The View*'s continued qualification for an equal opportunities exemption.

It is equally critical that any further action in this matter be conducted via consideration by and a vote of the full Commission and not by Media Bureau staff acting under delegated authority. While the Commission may delegate some functions to Bureau staff, changes in long-standing Commission rulings can only be made by the Commission itself.[22] The Commission established its current approach to bona fide news interview programs over 40 years ago and has consistently applied it ever since. Changes in the law must come from the Commission itself, not Bureau staff. In addition, because this matter will impact elections—many of which are in full swing—it is vital that this matter be resolved quickly by the Commission and, if necessary,

[21] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

[22] *See* 47 U.S.C. §§ 155(c)(1)-(3); 47 C.F.R. § 0.5(c).

the courts. Bureau level action in this matter would only result in delay that will chill time sensitive news coverage of elections. News delayed is news denied and, as Senators Ted Cruz and Maria Cantwell recently reminded the Commission, "[t]hat concern is not merely academic. Process choices in high-profile cases establish precedent."[23]

ABC therefore requests that the Commission act expeditiously to affirm its long-standing approach to the bona fide news interview exemption and the Commission's continued support of the public interest services provided by broadcast stations.

II. FIRST AMENDMENT CONSIDERATIONS MUST GOVERN THE COMMISSION'S ACTIONS.

A. The Equal Opportunities Rule Raises Profound First Amendment Concerns.

The First Amendment emphatically protects "both the right to speak freely and the right to refrain from speaking at all."[24] Since "all speech inherently involves choices of what to say and what to leave unsaid," it is bedrock law that "one who chooses to speak may also decide 'what not to say.'"[25] For the broadcast media, each right is equally important. Curating news programming requires editorial decisions about what stories, guests, and topics to feature—choices that inevitably require trade-offs. Those decisions define a broadcaster's speech offering and its contribution to public discourse. And those editorial decisions are especially important today, as broadcasters attempt to inform and entertain the public in competition with a cacophony of other voices and sources of information, from cable television to social media to artificial intelligence tools. The First Amendment thus protects "editorial discretion in the

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[23] Letter from Ted Cruz & Maria Cantwell to Brendan Carr, Chairman, FCC (Mar. 30, 2026) (Chair & Ranking Member, Senate Committee on Commerce, Science, and Transportation).

[24] *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

[25] *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995).

selection and presentation" of speech.[26] Under the First Amendment, the government is not in the business of compelling or suppressing speech to achieve officials' ideal or preferred news presentations.

Governments are free to criticize private speech, but not to compel or suppress it. When the government has sought to shape the news landscape, the Supreme Court has roundly rejected those efforts. In *Miami Herald Pub. Co. v. Tornillo*, for instance, the Court invalidated a Florida law requiring newspapers to offer political candidates space to respond to negative press.[27] The Court stressed that the "choice of material to go into a newspaper, and the decisions made as to … treatment of public issues and public officials—whether fair or unfair—constitute the exercise of editorial control and judgment," which is itself protected speech.[28] Whatever interest the state may have had in "ensur[ing] that a wide variety of views reach[ed] the public" is not sufficiently compelling to force a newspaper to "print that which it would not otherwise print."[29]

That is hardly the only context in which the Court has rejected the notion that the government may restrict the First Amendment rights of private parties in service of "balancing" the public's information diet. Most recently, the Court rejected state efforts to force social media companies to disseminate speech in order "to achieve [the state's] own conception of speech nirvana."[30] Whatever the medium, the government may not tell private parties "how to exercise their editorial discretion about what content to carry or favor."[31] The government may not "tell

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[26] *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 674 (1998).

[27] *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256 (1974).

[28] *Id.* at 258.

[29] *Id.* at 248.

[30] *Moody*, 603 U.S. at 742.

[31] *U.S. Telecom Ass'n*, 855 F.3d at 435 (Kavanaugh, J., dissenting from denial of rehearing en banc).

Amazon or Politics & Prose what books to promote; or tell *The Washington Post* or the *Drudge Report* what columns to carry; or tell ESPN or the NFL Network what games to show; or tell *How Appealing* or *Bench Memos* what articles to feature; or tell Twitter or YouTube what videos to post; or tell Facebook or Google what content to favor."[32]

The equal opportunities rule operates in the teeth of these principles, compelling and chilling speech by broadcasters. The rule provides, in relevant part, that "[i]f any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."[33] By forcing broadcasters to air *all* qualified candidates without regard to their newsworthiness, the rule squelches editorial discretion: Sometimes that means a broadcaster will be compelled to change its offerings and broadcast speech it views as unnewsworthy, and sometimes it means a broadcaster will self-censor and refrain from speech it believes is newsworthy to avoid obligations to multitudes of less-newsworthy aspirants to elected office. The equal opportunities rule is utterly irreconcilable with the Court's repeated admonitions that "a speaker has the autonomy to choose the content of [its] own message."[34] Just as the government may not compel private parties to convey its own message,[35] it may not compel one private speaker to convey the message of another.[36]

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[32] *Id.*

[33] 47 U.S.C. § 315(a).

[34] *Hurley*, 515 U.S. at 573.

[35] *W. Va. State Bd. of Educ.*, 319 U.S. 624.

[36] *303 Creative LLC v. Elenis*, 600 U.S. 570, 588-89 (2023); *Hurley*, 515 U.S. at 573; *Pac. Gas and Elec. Co. v. Pub. Utils. Comm'n*, 475 U.S. 1, 11 (1986) (plurality op.); *Tornillo*, 418 U.S. at 258.

To be sure, the Supreme Court's decision in *Red Lion* held that those principles applied somewhat differently in the 1960s broadcasting context.[37] But *Red Lion*'s factual predicates no longer obtain.[38] The *Red Lion* Court upheld the FCC's "personal attack" and "political editorial" regulations, reasoning that these aspects of the fairness doctrine were permissible in view of scarce broadcast spectrum and the right of the public to information.[39] These justifications were dubious then—"[t]he text of the First Amendment makes no distinctions among print, broadcast, and cable media,"[40] and in any event "[a]ll economic goods are scarce, not least the newsprint, ink, delivery trucks, computers, and other resources that go into the production and dissemination of print journalism."[41] But they are unsupportable now in an age of information ubiquity. The public does not rely on compelling broadcasters' speech "to receive suitable access to social, political, esthetic, moral, and other ideas and experiences,"[42] when seemingly endless sources of information abound at the tap of a smartphone. Indeed, *Red Lion* itself "implied that its result would have been different in the absence of such a [scarcity] predicate,"[43]—a reservation to which the Court,[44] and several justices,[45] have subsequently alluded.

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[37] *Red Lion*, 395 U.S. at 386-93.

[38] *See FCC v. Fox Television Stations, Inc*., 556 U.S. 502, 530 (2009) (Thomas, J., concurring).

[39] 395 U.S. at 389-92.

[40] *Denver Area Educ. Telecomm. Consortium, Inc. v. FCC*, 518 U.S. 727, 812 (1996) (Thomas, J., joined by Rehnquist, C.J. and Scalia, J., concurring in part).

[41] *Telecommunications Rsch. & Action Ctr. v. FCC*, 801 F.2d 501, 508 (D.C. Cir. 1986).

[42] *Red Lion*, 395 U.S. at 390.

[43] *Time Warner Ent. Co., L.P. v. FCC*, 105 F.3d 723, 725 (D.C. Cir. 1997) (Williams, J. dissenting from denial of rehearing en banc).

[44] *FCC v. League of Women Voters of Cal.*, 468 U.S. 364, 376 n.11 (1984).

[45] *Fox Television Stations*, 556 U.S. at 533 (Thomas, J., concurring).

Shorn of scarcity concerns that are no longer tenable, the equal opportunities rule is in serious tension with the First Amendment. Much as with Section 315(a), the State in *Tornillo* argued that the right-of-reply statute was critical "to ensure that a wide variety of views reach the public."[46] The press, the State lamented, had become "enormously powerful and influential in its capacity to manipulate popular opinion and change the course of events."[47] The "result," the state continued, was "to place in a few hands the power to inform the American people and shape public opinion," leading to "homogeneity of editorial opinion, commentary, and interpretive analysis" and "abuses of bias and manipulative reportage."[48] The Court refused to allow these fears to override the speech rights of newspapers, finding that the law's blatant "intrusion into the function of editors" decidedly failed to "clear the barriers of the First Amendment."[49] The Court has rejected precisely the same speech-balancing rationale in invalidating a ban on public-broadcaster editorializing.[50] *League of Women Voters of Cal.* emphasized that determining the constitutionality of broadcaster regulations "requires a critical examination of the interests of the public and broadcasters in light of the particular circumstances of each case,"[51] and ultimately struck down the policy.

Because Section 315(a) "restrict[s] precisely that form of speech which the Framers of the Bill of Rights were most anxious to protect—speech that is 'indispensable to the discovery

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[46] 418 U.S. at 247-48.

[47] *Id.* at 249.

[48] *Id.* at 250.

[49] *Id.* at 258.

[50] *League of Women Voters of Cal.*, 468 U.S. at 398 (invalidating the Communications Act's prohibition in Section 399 for noncommercial broadcast stations that received grants from the Corporation for Public Broadcasting from engaging in editorializing).

[51] *Id.* at 381.

and spread of political truth'—[courts] must be especially careful in weighing the interests that are asserted in support of this restriction and in assessing the precision with which" the requirement operates.[52] It is difficult to see how Section 315(a) can survive that "careful … weighing." In short, if the Supreme Court were to consider the question anew—as several Justices have suggested it should—it is hard to see how it could hold the equal opportunities rule constitutional.

B. At Minimum, the Equal Opportunities Rule Could Not Survive Constitutional Scrutiny Without a Robust Bona Fide News Exemption.

At a minimum, the equal opportunities rule could not survive constitutional scrutiny without the kind of robust bona fide news exemption that the Commission has applied for decades. "When legislation and the Constitution brush up against each other," an agency's "task is to seek harmony, not to manufacture conflict."[53] By adding the bona fide news exemption to the equal opportunities rule, Congress provided a means by which the rule can be "construed to avoid serious constitutional doubts."[54] But the bona fide news exemption can operate as a First Amendment pressure-release valve only if the Commission maintains the robust interpretation of the exemption that it has long employed.

The equal opportunities rule was adopted as part of the Radio Act of 1927 to help ensure that candidates for public office were treated in an equal manner with respect to access to broadcast facilities. This was particularly important at that time and for the next several decades, when broadcast radio and television represented the sole forms of mass media and the only

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[52] *Id.* at 383.

[53] *United States v. Hansen*, 599 U.S. 762, 781 (2023).

[54] *Fox Television Stations*, 556 U.S. at 516.

means by which political candidates could communicate their direct message to mass audiences. Nevertheless, Congress had come to recognize even by the time of *Red Lion* that the equal opportunities rule imposed substantial burdens on, and threatened to chill, broadcast stations' coverage of political information. That concern became particularly acute after the Commission reversed longstanding precedent and imposed equal-opportunities obligations based on candidate appearances during newscasts.[55]

Congress responded in 1959 by adding the bona fide news exemption to foster coverage of political campaign activity and preserve broadcasters' discretion to exercise their good faith news judgment in deciding which candidates to cover and in what formats.[56] As the legislative history confirms, Congress's goal in doing so was "to enable what probably has become the most important medium of political information to give the news concerning political races to the greatest possible number of citizens, and to make it possible to cover the political news to the fullest degree."[57] To that end, Congress provided:

> Appearance by a legally qualified candidate on any—
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> (1) bona fide newscast,
> (2) bona fide news interview,
> (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
> (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

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[55] *Petitions of Columbia Broadcasting System, Inc., and National Broadcasting Co*., Interpretive Opinion, 26 F.C.C. 715 (1959); *see Chisholm v. FCC*, 538 F.2d 349, 351-52 (D.C. Cir. 1976).

[56] *See, e.g.*, 105 Cong. Rec. 14446 (1959) (statement of Sen. McNamara) (the amendments leave "the control of news coverage of politics in the hands of the broadcasters"); *see also Request by Multimedia Entertainment, Inc. for Declaratory Ruling*, Memorandum Opinion and Order, 56 Rad. Reg. 2d 143, 144 (1984) ("*Donahue Decision*") ("Congress contemplated and intended to encourage increased news coverage of political campaign activity.").

[57] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

> shall not be deemed to be use of a broadcasting station within the meaning of this subsection.[58]

Those exemptions notably are not confined to traditional "newscasts," but rather sweep in (among other things) "bona fide news interview" programs.[59] While Congress did not attempt to specifically define the types of programs that would qualify as bona fide news interviews, the legislative history identified factors such as whether a program is "regularly scheduled," and whether its "content and format" are "determined by the licensee" or by the network "in the exercise of its 'bona fide' news judgement and not for the political advantage of the candidate for public office."[60]

In keeping with that guidance, which the Commission concluded Congress had "enjoined" it to follow,[61] the Commission established three factors to determine whether something qualifies as a bona fide news interview: (1) whether the program is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether the broadcaster's or independent producer's decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy.[62] The overarching newsworthiness consideration reflects Congress's

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[58] 47 U.S.C. § 315(a).

[59] 105 Cong. Rec. 17776, 17777 (1959) (Conference Report) ("[A]n appearance on a 'bona fide news interview' is exempted without regard to whether it is included as part of a newscast.").

[60] 105 Cong. Rec. at 17777. *See also id.* at 17782 (statement of Sen. Harris) ("This requirement regarding the bona fide nature of the newscast, news interview or news events was not included without careful thought by the conference committee. It sets up a test which appropriately leaves reasonable latitude for the exercise of good faith news judgment on the part of broadcasters and networks.").

[61] *See Inquiry Concerning "Equal Time" Requirements Under Section 315 of the Communications Act of 1934, as amended*, 40 F.C.C. 395, 396 (1964).

[62] *See, e.g.*, *Hearst Television Inc.*, Declaratory Ruling, 31 FCC Rcd 7191, 7192-93 (MB 2016) (citing *ANE Productions Inc.*, Declaratory Ruling, 26 FCC Rcd 16148, 16149 (MB 2011) ("*ANE*

decision to qualify each exemption with the term "bona fide," thereby emphasizing that the key question is whether programming at issue is of genuine news value, as opposed to designed for the partisan purpose of advancing or harming any particular candidate.[63]

While the Commission's application of that three-part test evolved in the early years, it has remained largely stable since the landmark *Donahue Decision* in 1984, in which the Commission recognized that the exemption must be interpreted consistent with "Congress' overriding intent to increase news coverage of the political campaign process."[64] In the *Donahue Decision*, the Commission reversed a prior decision denying a bona fide news interview exemption to the talk show *Donahue*.[65] In doing so, the Commission applied the standard three-part test. First, the Commission recognized that there was no dispute as to whether *Donahue* was regularly scheduled. With respect to the second prong, whether the program's producers maintained control over the program, the Commission explicitly concluded that a talk show format did not preclude a finding of licensee control:

> [I]t would be unsound to rule that a program involving a unique or innovative approach to interviewing its guests somehow lacks sufficient licensee control evident in more traditional news interview programs like

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Declaratory Ruling"); *Request of ABC, Inc. for Declaratory Ruling*, 15 FCC Rcd 1355, 1358 (MMB 1999) ("*ABC Declaratory Ruling*")).

[63] *See Petitions of Henry Geller and National Association of Broadcasters and the Radio-Television News Directors Association to change Commission interpretation of Subsections 315(a)(3) and (4) of the Communications Act*, Report and Order, 95 F.C.C.2d 1236, 1243 (1983), *aff'd sub nom League of Women Voters Educ. Fund v. FCC*, 731 F.2d 995 (D.C. Cir. 1983).

[64] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358 (recognizing a shift in focus from programs with "more traditional question and answer formats" to "varying less conventional interview formats"); *see also Requests of Fox Broadcasting Company, Public Broadcasting Service, and Capital Cities/ABC, Inc. for Declaratory Rulings*, Declaratory Ruling, 11 FCC Rcd 11101, 11108 (1996) ("*Fox Declaratory Ruling*") ("Initially, the Commission interpreted the exemptions narrowly. Over the last twenty years, however, the Commission has interpreted the exemptions to allow for more diverse kinds of news programming, particularly with respect to the *bona fide* news interview and on-the-spot coverage of *bona fide* news event exemptions.").

[65] *Donahue Decision*, 56 Rad. Reg. 2d 143-44.

> "Meet the Press" or "Face the Nation" when the licensee has implemented reasonable techniques to ensure control. To do so would discourage programming innovation by sending a signal to broadcasters that to be exempt an interview program should adhere only to the format of certain programs mentioned by Congress over twenty-five years ago.[66]

Regarding the third prong, the Commission held that "[t]he proper Commission concern is limited to whether a licensee's claim of newsworthiness is reasonable" and that "it would seem elemental that Congress contemplated interviews with elected officials and candidates for elected office as newsworthy subject matter."[67] Noting that "Congressional intent is to defer substantially to the good faith news judgments of broadcast licensees," the Commission held *Donohue* qualified for the bona fide news interview exemption.[68]

In the ensuing 40 years, the Commission has consistently reaffirmed this approach, finding that a wide variety of programs qualify as bona fide news interview programs, including programs that featured non-traditional formats and hosts without formal journalistic backgrounds. As the Mass Media Bureau explained in 1999, "[i]n attempting to fulfill the letter and the spirit of the law, the Commission's decisions in this area have continued to expand the kinds of programming eligible for exemption in recognition of change and innovation in broadcast production."[69] Programs deemed qualified as bona fide news interview programs include such varied programs as *The Morning Program* (1987), *Geraldo* (1988), *Sally Jessy Raphael* (1991), *Later with Bob Costas* (1991), *The Jerry Springer Show* (1994), *The Howard Stern Show* (2003), *Governor Heineman's Call-In Show* (2006), and *The Tonight Show* (2006).[70]

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[66] *Id.* at 146.

[67] *Id.* at 147.

[68] *Id.* at 148.

[69] *ABC Declaratory Ruling*, 15 FCC Rcd at 1359.

[70] *Request by CBS Inc. for Declaratory Ruling*, 2 FCC Rcd 4377 (MMB 1987); *Request of Tribune Broadcasting Company for Declaratory Ruling*, 3 FCC Rcd 6248 (MMB 1988); *Request*

For example, in 2008 the Media Bureau found that the news interview segments of *The 700 Club* qualified for the bona fide news interview program exemption.[71] In making its determination, the Bureau emphasized assurances that, among other things, "all questions are prepared by a CBN employee based upon journalistic news principles" and that interviewees were selected based on newsworthiness and other factors.[72]

Similarly, in *ANE Productions Inc*., the Media Bureau found that the daytime talk show *Anderson*, which featured "a mixture of news and entertainment topics," qualified for the bona fide news interview exemption.[73] The producers of the program stated that "the format also includes interviews with celebrity guests and that 'qualified candidates for political office will be interviewed when their stories are considered by the producers to be relevant and newsworthy.'"[74] In its discussion of the case, the Bureau noted its long-standing position that "its 'role is not to decide, by some qualitative analysis, whether one kind of news story is more *bona fide* than another … [s]o long as the program characteristics set out by Congress are met,

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of Multimedia Entertainment, Inc. for Declaratory Ruling, 6 FCC Rcd 1798 (MMB 1991); *Request of National Broadcasting Co., Inc. for Declaratory Ruling*, 6 FCC Rcd 5200 (MMB 1991); *Request of Multimedia Entertainment, Inc. for Declaratory Ruling*, 9 FCC Rcd 2811 (MMB 1994); *Infinity Declaratory Ruling*, 18 FCC Rcd 18603; *Request of Nebraska Broadcasters Association for Declaratory Ruling*, 21 FCC Rcd 10742 (MB 2006) ("*NBA Declaratory Ruling*"); *Equal Opportunities Complaint Filed by Angelides For Governor Campaign Against 11 California Television Stations*, 21 FCC Rcd 11919 (MB 2006).

[71] *Petition of The Christian Broadcasting Network for Declaratory Ruling*, 23 FCC Rcd 7165, 7166 (MB 2008).

[72] *Id.*

[73] *ANE Declaratory Ruling*, 26 FCC Rcd at 16148.

[74] *Id.*

[its] role is properly limited to determining whether a broadcaster was reasonable in deciding that a program fits within an exemption.'"[75]

Likewise, in 1999 the Bureau found that *Politically Incorrect with Bill Maher* qualified for the bona fide news interview exemption.[76] The Bureau followed the standard three-part test; with respect to the second prong—whether the broadcaster controls the program—the Bureau credited the broadcaster's "various reasonable mechanisms" for maintaining control over the production, finding that "those structural safeguards appear reasonably designed to assure that good faith news judgment can be adequately protected."[77] Acknowledging the guidance from Congress and the Commission's decision in *Donohue* to "not second-guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion," the Bureau found that decisions about format, content and selection of participants on *Politically Incorrect* were based on newsworthiness and not motivated by any partisan purpose, despite the satirical nature of some of the program content.[78]

Notably, the Commission's analysis of the "bona fide" nature of a program has never rested on an examination of the political views of the program's host or required a host to profess partisan neutrality. Indeed, the Commission has granted exemptions to programs hosted by elected officials (a group not generally known for partisan neutrality). For instance, in 2006, the Media Bureau concluded that both *Governor Heineman's Call-In Show* and *Senator Ben*

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[75] *Id.* at 16469 (quoting *Request for Declaratory Ruling By Paramount Pictures Corporation, Cox Broadcasting Corporation, Taft Television Productions, and Television Program Enterprises*, 3 FCC Rcd 245, 245-46 (MMB 1988)).

[76] *ABC Declaratory Ruling*, 15 FCC Rcd 1355.

[77] *Id.* at 1359.

[78] *Id.*

Nelson's Call-In Show qualified for the bona fide news interview exemption under Section 315(a)(2) of the Act.[79]

In short, in accordance with Congressional intent and the requirements of the First Amendment, the Commission has consistently given deference to broadcasters' good faith judgment.[80] And courts have long affirmed that this deference is necessary to avoid the equal opportunities rule's encroaching on core First Amendment rights. As the D.C. Circuit put it, "absent evidence of broadcaster intent to advance a particular candidacy, the judgment of the newsworthiness of an event is left to the reasonable news judgment of professionals."[81] The First Amendment demands nothing less.

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[79] *NBA Declaratory Ruling*, 21 FCC Rcd at 10742-43.

[80] *See, e.g.*, *Fox Declaratory Ruling*, 11 FCC Rcd at 11108 ("In recognition of Congress' primary goal in enacting the exemptions – to facilitate a better informed electorate through greater news coverage of the political process – the Commission has accorded greater deference to a licensee's good faith news judgment."); *Donahue Decision*, 56 Rad. Reg. 2d at 148.

[81] *Kennedy for President Comm. v. FCC*, 636 F.2d 417, 427 (D.C. Cir. 1980) (quoting *Chisholm*, 538 F.2d at 359). Courts have long recognized this Congressional intent in interpreting the scope and application of the Section 315(a) exemptions. The D.C. Circuit, for instance, noted that Congress had concluded that "the concept of absolute equality among competing political candidates would have to give way, to some extent, to two other 'worthy and desirable' objectives: First, the right of the public to be informed through broadcasts of the political events; and Second, the discretion of the broadcaster to be selective with respect to the broadcasting of such events." *Chisholm*, 538 F.2d at 352 (citing Hearings on Political Broadcasts Equal Time Before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce, 86th Cong., 1st Sess. 2 (1959) (statement of Chairman Harris)). Thus, the Court stated, "[i]n creating a broad exemption to the equal time requirements in order to facilitate broadcast coverage of political news, Congress knowingly faced risks of political favoritism by broadcasters, and opted in favor of broader coverage and increased broadcaster discretion." *Chisholm*, 538 F.2d at 366.

III. *THE VIEW* IS A BONA FIDE NEWS INTERVIEW PROGRAM TODAY, JUST AS IT WAS IN 2002.

As the foregoing should make clear, the best way for the Commission to avoid the grave First Amendment problems that the equal opportunities rule presents is by holding, as it did in 2002, that *The View* qualifies for a Section 315(a) exemption as a bona fide news interview program. *The View* continues to easily satisfy the criteria the Commission has long applied. And interpreting the bona fide news interview program exemption to exclude shows like *The View* would only exacerbate the constitutional problems with the statutory scheme.

A. Description of *The View*.

The View is an ABC Television Network program that has aired weekday mornings since August 1997. *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers from all walks of life and points of view.

Now in its 29th season, *The View* has remained committed to this format that has made it one of the most successful and longest-running daytime programs of all time. Although the co-host line up has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.[82]

[82] *The View* also features guest co-hosts from time to time including, for example, Savannah Chrisley, who filled in during Griffin's maternity leave in February 2026. *See* Olivia Rondeau,

- Joy Behar was one of the original hosts of *The View* when it premiered in 1997. Ms. Behar is among today's leading media personalities and has won numerous awards, including the 2009 Daytime Emmy Award for Outstanding Talk Show Host.[83] Ms. Behar's professional background is rooted in education and news production. She went on to serve as a producer for ABC News' *Good Morning America*, hosted *The Joy Behar Show* on CNN's HLN, and frequently guest-hosted *Larry King Live*.[84] She also hosted a WABC radio program, and worked as a high school English teacher for several years before transitioning to media.[85] Ms. Behar holds a Bachelor of Arts in sociology from Queens College and a Master's Degree in English Education from Stony Brook University.[86]

- Alyssa Farah Griffin is a Republican political strategist who joined *The View* as a co-host in 2022.[87] Ms. Griffin served as White House Director of Strategic Communications and Assistant to President Donald Trump during his first term and previously held roles as Press Secretary for the Department of Defense and Deputy Assistant to the Secretary of Defense in prior Republican administrations. From 2017 to 2019, she served as Press Secretary for former Vice President Mike Pence, and previously spent several years working as a senior communications aide for Representative Mark Meadows (R-NC) and the House Freedom Caucus under Representative Jim Jordan (R-OH) and Meadows. Ms. Griffin began her career in journalism as a broadcast media intern at the National Journalism

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Trump-Supporting TV Personality Savannah Chrisley to Guest Host 'The View', Breitbart (Feb. 5, 2026), https://www.breitbart.com/entertainment/2026/02/05/trump-supporting-tv-personality-to-guest-host-the-view. More recently, former co-host Elisabeth Hasselbeck returned to the show last month, garnering attention due to her defense of U.S. military actions in Iran. *See* Julia Moore, *Elisabeth Hasselbeck's Return to The View Is Interrupted by Trump's Remarks on Iran*, People (Mar. 2, 2026), https://people.com/elisabeth-hasselbeck-return-to-the-view-interrupted-by-trumps-remarks-on-iran-11917380. Co-host selection is "all about a different point[s] of view at the table," and ensuring the panel consists of people "who are good at this job." Ted Johnson, *Elisabeth Hasselbeck, Abby Huntsman & Savannah Chrisley To Be Among Guest Co-Hosts On 'The View' During Alyssa Farah Griffin's Maternity Leave*, Deadline (Feb. 4, 2026), https://deadline.com/2026/02/the-view-guest-co-hosts-alyssa-farah-griffin-1236708881.

[83] Joy Behar, ABC.com, https://abc.com/cast/b2ffc195-a56a-49d4-812a-a918a6fa717c (last visited Apr. 25, 2026) (cast biography).

[84] Lacey Rose, *HLN Confirms 'The Joy Behar Show' Has Not Been Renewed*, The Hollywood Reporter (Nov. 17, 2011), https://www.hollywoodreporter.com/news/general-news/hln-confirms-joy-behar-show-cancelled-263095.

[85] Joy Behar, CNN, https://www.cnn.com/CNN/anchors_reporters/behar.joy.html (last visited Apr. 25, 2026) (anchors and reporters biography).

[86] Zoey Lyttle, *Joy Behar's Life in Photos*, People (Oct. 7, 2022), https://people.com/tv/joy-behars-life-in-photos.

[87] Alyssa Farah Griffin, ABC.com, https://abc.com/cast/8003d444-bb1c-4fcb-9fd4-4f941247fef0 (last visited Apr. 25, 2026) (cast biography).

Center.[88] Ms. Griffin holds a Bachelor of Arts in journalism from Patrick Henry College.[89]

- Whoopi Goldberg has served as moderator and co-host of *The View* since 2007. An award-winning actress, producer and author,[90] Ms. Goldberg's career launched on Broadway in 1984 with her critically acclaimed one-woman stage show, *Whoopi Goldberg*. Ms. Goldberg made her Hollywood debut in Steven Spielberg's *The Color Purple*, earning an Academy Award nomination for Best Actress, and later won the Academy Award for Best Supporting Actress for her role in *Ghost*. In 2001, she received the Mark Twain Prize for American Humor. In 2002, she completed the rare EGOT distinction, having earned an Emmy, Grammy, Oscar, and Tony Award (as a producer of the musical *Thoroughly Modern Millie*).[91] Prior to joining *The View,* Ms. Goldberg also hosted *The Whoopi Goldberg Show* and a nationally syndicated morning radio program, *Wake Up with Whoopi*. Beyond performance, she has written several books, including a collection of humorous essays, and two children's books, and serves as a UNICEF International Goodwill Ambassador.[92] She has been honored with an honorary degree from Wilson College.[93] Goldberg has stated she does not identify with a specific political party.[94]

- Sara Haines, a former ABC News correspondent, joined *The View* as a co-host from 2016 to 2018, and returned to the program in 2020 after co-hosting ABC's

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[88] Alyssa Griffin, Legistorm.com, https://www.legistorm.com/person/bio/220812/Alyssa_Farah_-Griffin/hashkey/f7c373fb.html (last visited Apr. 25, 2026).

[89] Marjorie Pratt, *White House Spotlight: Alyssa Farah* (May 18, 2020), https://www.phc.edu/-learnphc/alyssa-farah.

[90] Whoopi Goldberg, ABC.com, https://abc.com/cast/00fdbde0-e115-4778-9dc8-b7091ce2caa9 (last visited Apr. 25, 2026) (cast biography).

[91] Whoopi Goldberg, Encyclopedia Britannica (last updated Apr. 13, 2026), https://www.britannica.com/biography/Whoopi-Goldberg.

[92] Whoopi Goldberg, American Academy of Achievement, https://achievement.org/achiever/whoopi-goldberg (last visited Apr. 25, 2026); Whoopi Goldberg, Yale Center for Dyslexia & Creativity, https://dyslexia.yale.edu/story/whoopi-goldberg (last visited Apr. 25, 2026) (biographical profile and interview).

[93] William C. Trott, *Whoopi By Degrees*, UPI (Dec. 4. 1987), https://www.upi.com/Archives/1987/12/04/WHOOPI-BY-DEGREES/7754565592400.

[94] Goldberg declared on the show that she does not subscribe to a particular political party ideology, in that she believes "the only way to get stuff done is to have both parties represented at the same time." Amanda Bell, *Whoopi Goldberg Explains Exactly Why She's Not a Democrat on 'The View'*, TV Insider (June 5, 2025), https://www.tvinsider.com/1195574/the-view-whoopi-goldberg-not-democrat-explained.

GMA Day.[95] Before joining ABC in 2013, Ms. Haines worked for NBC's *Today* show, beginning as a production coordinator in 2002 after completing NBC's Page Program.[96] She expanded her role at *Today* in 2008 as host of *TODAYshow.com*'s entertainment video blog *Backstage Pass*, through which she conducted celebrity interviews and offered behind-the-scenes coverage of the show. At ABC, she served as a network correspondent and pop news anchor for the weekend editions of *Good Morning America*, before transitioning to *The View*. Ms. Haines holds a Bachelor of Arts in government from Smith College.[97]

- Sunny Hostin, an attorney and investigative journalist, has been a co-host of *The View* since 2016. Before her television career, Ms. Hostin worked as an appellate law clerk to Chief Judge of the Maryland Court of Appeals Robert M. Bell.[98] Later, she joined the Department of Justice's antitrust unit under President Bill Clinton. Ms. Hostin also served as an assistant United States attorney specializing in child sex crimes under Attorney General Janet Reno, from whom she received a Special Achievement Award.[99] Moving into private practice, Ms. Hostin served as a Managing Director of Business Intelligence and Investigations at Kroll.[100] She subsequently built a prominent media presence, appearing weekly on the "Is It Legal?" segment of Fox News' *The O'Reilly Factor* and serving as a host and legal analyst at CNN. Ms. Hostin has also filled in as co-anchor for ABC News' *World News Now* and *America This Morning*.[101] She holds a degree in Communications from Binghamton University and a Juris Doctorate from Notre Dame Law School.

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[95] Hilary Lewis, *It's Official: Sara Haines Joins 'The View' as Season 20 Co-Host*, The Hollywood Reporter (Aug. 3, 2016), https://www.hollywoodreporter.com/news/general-news/sara-haines-joins-view-as-916914; Meaghan Darwish, *Why Was 'Strahan, Sara, and Keke' Canceled at ABC?*, TVInsider (Aug. 4, 2020), https://www.tvinsider.com/944258/strahan-sara-keke-canceled-abc.

[96] Sara Haines, ABC.com, https://abc.com/cast/59670fc4-d5a9-4101-96bd-7a83d68dbed8 (last visited Apr. 25, 2026) (cast biography).

[97] *Id*.

[98] Laurie Yarnell, *The View's Sunny Hostin Talks Life On and Off the Camera*, Westchester (Sept. 24, 2018), https://westchestermagazine.com/things-to-do/the-view-sunny-hostin-interview.

[99] *Breaking News, Everyone's Watching Sunny Hostin*, Executive Woman Media (Jan. 7, 2015), https://www.executivewomanmedia.com/breaking-news-everyones-watching-sunny-hostin.

[100] About Sunny, Sunny Hostin, https://sunnyhostin.com/abou/ (last visited Apr. 25, 2026).

[101] Sunny Hostin, The State University of New York, https://www.suny.edu/events/eop/sunny-hostin/ (last visited Apr. 25, 2026).

- Ana Navarro joined *The View* as a co-host in 2022, having previously appeared as a guest co-host on several occasions in 2013 and 2018.[102] Ms. Navarro is a Republican political strategist and senior political commentator on CNN. She has advised numerous federal and state campaigns in Florida and nationally. She subsequently worked on Governor Jeb Bush's transition team and served as his first Director of Immigration Policy. Ms. Navarro served as the National Hispanic co-chair and a national surrogate for John McCain's 2008 presidential campaign.[103] She also briefly held the same role for Governor Jon Huntsman's 2012 presidential campaign.[104] She self-identifies as a "lifelong Republican," "a centrist,"[105] and has credited President Ronald Reagan's support for the anticommunist rebels in Nicaragua as her inspiration for becoming a Republican. Ms. Navarro holds a Bachelor in Arts with Majors in Latin American Studies and Political Science from the University of Miami and a Juris Doctorate degree from St. Thomas University.[106]

While *The View* is known for engaging and entertaining banter between its co-hosts, the program also has been widely recognized for the journalistic impact of its content—particularly its interviews with newsmakers, including political candidates. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

Brian Teta is currently the Executive Producer of *The View*. Teta, a highly experienced television producer, joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017. Teta reports to Almin Karamehmedovic, the President of ABC News. As

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[102] Ana Navarro, ABC.com, https://abc.com/cast/8b1e427a-f54f-40a8-91f2-0cbd48dd347c (last visited Apr. 25, 2026) (cast biography).

[103] Ana Navarro-Cárdenas, Carnegie Corporation of New York, https://www.carnegie.org/awards/honoree/ana-navarro-cardenas (last visited Apr. 25, 2026).

[104] Navarro, ABC cast biography, *supra* note 102 .

[105] Ana Navarro, *Ana Navarro: Why I'm voting for Andrew Gillum (a Democrat!)*, CNN (Nov. 3, 2018), https://www.cnn.com/2018/11/02/opinions/why-im-voting-for-andrew-gillum-navarro/index.html.

[106] Ana Navarro, Harvard Kennedy School Institute of Politics (2013), https://iop.harvard.edu/fellows/ana-navarro.

Executive Producer, Teta is responsible for and is the final decision maker with respect to all aspects of the production of *The View*, including the format, content, and participants of the program.[107]

Interview subjects are selected and invited though a booking process overseen by the Executive Producer. The Executive Producer holds a twice-weekly meeting with *The View*'s booking staff to discuss and select potential guests. *The View*'s booking staff generally make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely "pitch" potential guests (e.g., book authors) to *The View*'s booking staff. *The View*'s co-hosts also suggest potential guests. Importantly, however, while he receives this input, the Executive Producer is the sole decisionmaker with respect to the selection of interviewees. He selects potential interview subjects based on newsworthiness, anticipated audience interest, and their potential to "make news" on the show.[108]

After potential interview subjects are selected by the Executive Producer, *The View*'s booking staff contacts the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff will describe in general terms the topics they expect will be covered in the interview. Interview guests are not provided with any guarantees as to what content will be covered or included in the broadcast of the program. Interview guests who agree to appear on the program are scheduled based primarily on the guests' availability and the overall balance of each day's program.[109]

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[107] Declaration of Brian Teta ("Teta Declaration") ¶ 8.

[108] *Id.* ¶ 20.

[109] *Id.* ¶ 27.

Once a guest agrees to appear on the program, a segment producer prepares an outline of potential interview questions. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and the "pre-interview" conducted by the segment producer with the guest and/or the guest's representatives. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC personnel. Final review and approval of the interview outline is conducted by the Executive Producer. Interview guests do not review, edit, or approve the interview outline and are not provided with interview questions in advance of the interview.[110]

The View's co-hosts conduct guest interviews based on the interview outline approved by the Executive Producer, although they may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview (and, at all times during the interview, the show's producers can communicate directions to the co-hosts as needed). While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast. Indeed, most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards. Interview subjects are not given any option to edit or otherwise control the broadcast of the interview, and do not see the final interview until it airs.[111]

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[110] *Id.* ¶ 30.

[111] *Id.* ¶ 33.

B. *The View* Was Properly Determined to Be a Bona Fide News Interview Program in 2002.

Following the Commission's long-established three-part test, the Bureau concluded in 2002 that *The View* is exempt from Section 315(a) of the Act as a bona fide news interview program.[112] That determination has remained unchallenged and unchanged since that time and, to this day, *The View* remains fully qualified for the exemption under the applicable legal standards.

On October 20, 2000, ABC filed a petition for declaratory ruling (the "Petition") with the Commission requesting that the Commission's Mass Media Bureau issue a declaratory ruling that *The View* is a bona fide news interview program and thus exempt from the equal opportunities provision of Section 315(a) of the Act.[113] In the Petition, ABC explained that *The View* planned to invite additional political candidates to appear on the program and thus sought the Commission's formal assurance that the equal opportunities requirements did not apply to *The View*.[114]

The Petition explained that *The View* was co-produced by the ABC Television Network (owned and operated by ABC) and BarWall Productions[115] and described the content and format of *The View*. In addition, the Petition detailed how *The View* satisfied each of the Commission's criteria for exemption as a bona fide news interview program. In addressing the established

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[112] Letter from Robert Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC, to ABC, Inc. (Mar. 1, 2002) ("2002 Declaratory Ruling").

[113] Letter from ABC, Inc., to Bobby Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC (Oct. 20, 2000) (the "Petition").

[114] *Id.*

[115] BarWall Productions is a production company co-founded by Barbara Walters and Bill Geddie.

three-part test for the exemption, ABC first showed that *The View* was regularly scheduled. Second, ABC demonstrated that *The View* was exclusively controlled by its producers and that the producers decided the program's format, content and participants for each segment of the program. Finally, ABC stated that programming decisions were based solely on the producers' good faith judgments regarding newsworthiness and viewer preferences and not for the purpose of supporting or opposing a particular candidate or for any other partisan purpose.[116]

By letter ruling dated March 1, 2002, the Mass Media Bureau granted the Petition without qualification, stating "[b]ased on the record before us, we conclude that the program '*The View*' qualifies for the *bona fide* news interview exemption under Section 315(a)(2)."[117] Accordingly, every appearance by every legally qualified candidate on *The View* since March 1, 2002, (including the Talarico appearance) has been in accordance with a valid and effective formal determination that *The View* qualifies for the bona fide news interview exemption under Section 315(a)(2).[118] Such appearances thus are not deemed to be "uses" of KTRK or any other station. Given that KTRK Television and many other licensees acted in good faith reliance on the explicit ruling provided by the Mass Media Bureau in 2002 and the consistent guidance provided by the Commission since 1984, the Commission cannot find that KTRK Television, or

[116] Petition.

[117] 2002 Declaratory Ruling.

[118] Even if ABC had not sought and received a formal determination, *The View*, since its inception, has fully qualified for exemption under all of the long-standing criteria for bona fide news interview programs and, as previously noted, the Commission has previously stated that no prior formal declaration is required for a bona fide news exemption to apply. *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

any other licensee, violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.[119]

C. *The View* Remains a Bona Fide News Interview Program Today.

In the 24 years since the Commission issued the 2002 Declaratory Ruling, the format and production processes of *The View* that were previously reviewed have remained the same, notwithstanding changes in hosts and staffing. *The View* continues to meet all three of the factors considered by the Commission in determining whether a program qualifies for the bona fide news interview exemption under Section 315(a)(2): (1) it is regularly scheduled, (2) ABC, through the program's Executive Producer, controls the program, and (3) decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm any individual's candidacy.

i. *The View* is regularly scheduled and is in the same timeslot since it first aired in 1997.

The View has been a regularly scheduled part of ABC Network programming for almost 30 years. Since August 1997, *The View* has been broadcast on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). Over its entire history, *The View* has consistently maintained its 11:00 am ET weekday timeslot. The program takes an annual summer production break for the month of August, during which the ABC Network airs "encore" episodes (*i.e.*, previously aired episodes of *The View*). The show generally resumes production at the end of

[119] *Star Wireless, LLC v. FCC*, 522 F.3d 469, 473 (D.C. Cir. 2008) (cleaned up) (citation omitted) ("In assessing forfeitures against regulated entities, the Commission is required to provide 'adequate notice of the substance of the rule.' The court must consider 'whether by reviewing the regulation and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.'").

August, and a new season begins the Tuesday after Labor Day. ABC Network intends to maintain this schedule.[120]

ii. ABC continues to control the format, content and participants of *The View*.

As was the case in 2002, *The View* continues to be produced by the ABC Television Network. In this capacity, ABC has ultimate control over all aspects of *The View*, including its format, content and participants.[121] Day-to-day control over *The View* is exercised by the program's Executive Producer who reports to the President of ABC News, which is a division of the ABC Television Network. *The View*'s format, first established by Walters and Geddie, has remained fundamentally unchanged throughout its history. The Executive Producer, and the producers, hosts, and production staff under his supervision, decide the program's content, as well as the participants for each program segment.[122]

The show's production processes ensure that ABC (through the show's Executive Producer and production staff) maintains control over all aspects of the program. With respect to interviews included in the program in particular, as described herein, the Executive Producer and the production staff under his direction control all aspects of the selection of potential interview subjects and the questions asked during interviews in accordance with ABC News standards and practices. The Executive Producer has final review and approval authority over this process. The production process is designed to mitigate the possibility that a candidate can usurp the

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[120] Teta Declaration ¶ 12.

[121] BarWall Productions continues to be credited as a co-producer of the show but, subsequent to Ms. Walter's retirement in 2014 and death in 2022, ABC exercises sole and exclusive responsibility and control over the production.

[122] *Id.* ¶¶ 8, 17.

functions of the program for his or her own purposes or use *The View* as a soapbox.[123] Once taped, the Executive Producer oversees the production process, and interviewees are not provided any opportunity to influence or affect the content of their interview prior to airing during the scheduled timeslot.[124]

iii. Newsworthiness is, as it always has been, the lodestar of programming decisions on *The View*.

The Executive Producer of *The View* bases all decisions related to the format, content, and participants, including interviews of political candidates and other newsmakers, on the good faith judgments of newsworthiness and audience interest and not for the purpose of supporting or opposing any particular candidate or for any other partisan purpose.[125]

It is in ABC's interest to book guests on *The View* who are in the news and who will generate interest among its audience members. Over the past ten years alone, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on *The View*, providing the public with a broad variety of views. Of course, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear. Over the past two seasons, for example, producers have extended

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[123] *Id.* ¶ 17. As explained above, the seasoned co-hosts of *The View* follow the interview outlines approved by the Executive Producer. While they may deviate from the outline at times, they rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, co-hosts wear earpieces as they conduct interviews that allow producers to communicate directions to the co-hosts during the interviews as needed.

[124] The results speak for themselves. *See e.g.*, David Rutz, *Kamala Harris' bungled answer on 'The View' about Biden seen as turning point in campaign*, Fox News (Nov. 7, 2024), https://www.foxnews.com/media/kamala-harris-bungled-answer-the-view-about-biden-seen-turning-point-campaign.

[125] Teta Declaration ¶ 20.

invitations to JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio, each of whom declined the invitation to appear on the program.[126] The critical consideration, however, is not whether the program achieves some government-approved roster of participants but the fact that that the producers' decisions are not motivated by partisan purposes and are instead motivated by the desire to interview the most newsworthy and impactful guests.

The February 2, 2026, appearance of Texas primary candidate for Senate James Talarico is a prime example of *The View*'s pursuit of newsworthy material. Following Representative Jasmine Crockett's January 6, 2026, appearance on *The View*, co-hosts Farah Griffin and Goldberg both suggested to Teta that Talarico, Crockett's leading opponent in the Texas Democratic Primary for United States Senate, should be a potential interview guest. Talarico's candidacy at the time was gaining national attention, including on social media, which informed Teta's judgment that Talarico was a newsworthy subject.[127]

A booking staff member on *The View* reached out to Talarico's campaign with an invitation to appear on the program. After Talarico's campaign accepted the invitation, one of *The View*'s veteran producers (who came to *The View* following stints with *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with the program's standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC personnel before being finally reviewed and approved by Teta. Neither the interview outline nor any of the questions were provided to Talarico or his representatives prior to the interview, the

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[126] *Id.* ¶ 26.

[127] *Id.* ¶ 37. As *The View* is an exempt bona fide news interview program, Talarico's appearance was not made in accordance with any request by the Talarico campaign for "equal time" resulting from Crockett's appearance on *The View* or out of any consideration that he might be entitled to such "equal time."

producers provided no assurances to Talarico or his representatives as to the content of the program, and neither Talarico nor his representatives were provided any opportunity to suggest edits or view the final interview before it aired.[128] Thus, as with all candidate appearances on *The View*, Talarico's appearance was under the control of ABC through the program's Executive Producer and his team. The decision to include Talarico was driven by considerations of newsworthiness and audience interest and not an intent to advance his candidacy.

As that demonstrates, *The View*'s ability to rely on the bona fide news exemption to select interview candidates based on newsworthiness, as it has for over two decades, has advanced Congress's goal of facilitating political discourse on the airwaves. Of course, that may not always mean that *The View* may achieve the Commission's preferred complement of guests or particular views (although, as noted above, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear). But the Commission has expressly disavowed efforts to "second guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion"[129]—as it must since any effort to evaluate the qualification of *The View* as a bona fide news interview program that centered on the identity of the guests that appeared on the program or the views they expressed would be at odds with Congress's decision to exempt bona fide news interview programs from any equal opportunities rule (not to mention the First Amendment). After all, if a program had to provide equal opportunities to qualify for the exemption, then the exemption would be left with no work to do. *The View* thus readily qualifies for the bona fide news exemption, as the Commission has recognized for decades.

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[128] *Id.* ¶¶ 40-41.

[129] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358.

IV. SUBJECTING *THE VIEW* TO THE EQUAL OPPORTUNITIES RULE WOULD VIOLATE THE FIRST AMENDMENT.

A. The Equal Opportunities Rule Cannot Be Applied to *The View* Consistent with the First Amendment.

Even if the bona fide news interview exemption were not broad enough to cover *The View*, the Commission could not apply the equal opportunities rule to *The View* consistent with the First Amendment. While *Red Lion* held the "personal attack" and "political editorial" rules constitutional, this petition involves "a different statute" at "a different point in the development" of broadcast regulation, which suffices to merit "plenary consideration" of this "substantial First Amendment challenge."[130] And, as explained, whatever may be said of the rule at its inception, at this point in time it is fundamentally incompatible with bedrock First Amendment principles.[131] If the rule applied here, it would seemingly require every station broadcasting *The View* to provide airtime to every legally qualified candidate running for office in a particular race in their service areas, without regard to the newsworthiness of the candidate. In large races, like this year's California open gubernatorial primary, this could mean the difference between interviewing the leading candidates in a tight race, or interviewing no candidates at all because fulfilling dozens of demands for free time would overburden the local stations airing *The View*. This "chilling" effect is exactly the result Congress sought to avoid when it adopted the bona fide news exemption.[132] But to the extent Congress failed to provide an exemption broad enough to avoid that result, the rule cannot survive.

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[130] *McCutcheon v. FEC*, 572 U.S. 185, 203 (2014).

[131] *See supra* Part II.

[132] *See supra* note 55 and accompanying text.

In fact, interpreting the bona fide news interview program exemption to exclude shows like *The View* would exacerbate the constitutional problems with the statutory scheme. Treating *The View* differently from other types of exempt programming is both a content and speaker-based distinction. If the exemption is understood to cover only a small universe of purportedly "neutral" and "newsworthy" broadcasts, wide swaths of programming—perhaps even all programs whose format diverges from the *Meet the Press* format referenced by the 1959 Congress that enacted the exemptions—will be penalized based on nothing more than the content and viewpoint of their speech.

Given the inherent value-laden judgments that the FCC must make when determining whether a particular program is newsworthy, the risk that the FCC will use its authority to suppress disfavored content and viewpoints is overwhelming. What is newsworthy to today's FCC may not be newsworthy to the FCC in the next Administration. "It is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual."[133] That caution carries special weight here, given that the Administration has been open about its disapproval of the viewpoints expressed on *The View*.[134] But the government has no legitimate interest in declaring some viewpoints more worthy than others. The bona fide news exemptions would fail any form of

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[133] *Cohen v. California*, 403 U.S. 15, 25 (1971); *cf. Minnesota Voters All. v. Mansky*, 585 U.S. 1, 21-22 (2018) (enforcement of ban on "political" attire in polling places "must be guided by objective, workable standards" because, "[w]ithout them, an election judge's own politics may shape his views on what counts as 'political'").

[134] *See, e.g.*, Dominick Mastrangelo, *White House targets 'The View,' Joy Behar over Trump criticism*, The Hill (July 24, 2025), https://thehill.com/homenews/media/5418270-white-house-the-view-joy-behar-trump-criticism; Sean Burch, *FCC Chairman Bashes 'The View,' Suggests Show Could Have 'Issues'*, The Wrap (July 24, 2025), https://www.thewrap.com/fcc-chairman-bashes-the-view-trump-issues; Joey Nolfi, *White House rips The View cohosts as 'Trump-deranged wackos' over reaction to Jeffrey Epstein files*, Entertainment Weekly (Nov. 20, 2025), https://ew.com/white-house-responds-the-view-jeffrey-epstein-files-11853293.

heightened scrutiny if not construed, consistent with decades of Commission practice, to apply to *The View*. That is all the more reason to conclude that *The View* qualifies for the exemption. But ultimately it does not matter, as the Commission could not subject *The View* to the equal opportunities rule consistent with the First Amendment anyway.

B. This Proceeding is Independently Barred by the First Amendment to the Extent it is Based on the Viewpoints Expressed on *The View*.

Even assuming the equal opportunities rule and its exemptions passed First Amendment muster (they do not), any effort to apply it here would violate the First Amendment to the extent adverse action is a response to the viewpoints expressed on *The View*. The Commission may not wield its enforcement authority "in order to punish or suppress [ABC's] protected expression."[135] The Commission's actions must be based on an objective application of the law and cannot be a response to disfavored content.

"If a coercive campaign is carried out with enough sophistication," it can be difficult to establish that a government official has wielded authority to punish or suppress disfavored speech.[136] In this instance, however, it is not so difficult. Although the *Public Notice* and the SLOI ostensibly avoid commenting on specific content, they both heavily emphasize concerns over the potential partisan purposes of programs.[137] At the same time, numerous statements by senior government officials have singled out *The View* for its allegedly partisan perspective.[138]

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[135] *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 196 (2024).

[136] *Murthy v. Missouri*, 603 U.S. 43, 80 (2024) (Alito, J., dissenting).

[137] *Public Notice* at 1, 3-4.

[138] *See, e.g.*, *NEWS OR NOT? 'The View' under SCRUTINY as FCC Chair Says 'Fake News' Won't Qualify for Exemption*, Fox Business, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=nUTgkRmtlpA&t=269s (statement of FCC Chairman Carr at 5:40-5:51); *FCC chief: These days are OVER*, Fox News Channel, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=gAwYshMVEzw (statement of Chairman Carr at 6:05).

Those statements highlight the dangers of viewpoint-based targeting inherent in giving government functionaries the power to decide which "ideas and beliefs [are] deserving of expression [and] consideration,"[139] *i.e.*, what is "newsworthy." Of course, government officials are free to express their own views about *The View*. But they cannot utilize the coercive powers of the state to punish viewpoints with which they disagree.

Meanwhile, even as the Commission opens formal investigations into *The View*, it has declined to scrutinize other programs or formats, like talk radio. The *Public Notice* was addressed exclusively to daytime and late night talk shows on television, ignoring the landscape of avowedly partisan talk radio shows. It is noteworthy that many stations in KTRK's market aired interviews with select candidates prior to the recent primary election without provoking any apparent interest or inquiries from the Commission.

For example, both KTBB 97.5 FM, Troup, Texas, and WBAP 820 AM, Fort Worth, Texas, air *The Mark Levin Show*, which, on February 16, 2026, featured an interview with Dan Patrick, who is running for re-election for Lieutenant Governor, although neither KTBB nor WBAP has uploaded any documents concerning Patrick's appearance into their 2026 online public inspection files.[140] Similarly, KPRC 950 AM, Houston, Texas, broadcast an interview with Texas Attorney General primary candidate Chip Roy as part of *The Glenn Beck Program* on

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[139] *Turner Broad. Sys.*, 512 U.S. at 641.

[140] *Program Schedules*, KTBB, https://ktbb.com/skeds.php (last visited May 7, 2026); *Weekday Schedule*, WBAP, https://www.wbap.com/weekday-schedule (last visited May 7, 2026); *2/16/26 - Criminalizing Criticism: The Implications of Virginia's Islamophobia Legislation*, Mark Levin Podcast (Feb. 17, 2026), https://podcasts.apple.com/nz/podcast/2-16-26-criminalizing-criticism-the-implications/id209377688?i=1000750065366. *See also* Dan Patrick, Facebook (Feb. 17, 2026), https://www.facebook.com/100044482297495/posts/1469394397886623/?mibextid=wwXIfr&rdid=7s8v5qEcoqrHZAiB# (posting link to *The Mark Levin Show* appearance from Feb. 16, 2026) ("I joined Mark Levin, one of my favorite Fox hosts, on his radio show last night. He surprised me with his endorsement live on the air. It's a great honor to have his support.").

February 18, 2026, without including any documentation of the appearance in its public inspection files.[141] Chip Roy also appeared on the *Guy Benson Show* on February 11, 2026, which airs on several Texas radio stations, including KSEV 700 AM, Tomball, Texas.[142] KSEV (which is owned by Texas Lt. Governor Dan Patrick) likewise did not place any information about this appearance in its public inspection files. While *The Mark Levin Show*, *The Glenn Beck Program*, and the *Guy Benson Show* are all popular, long running radio talk shows, there is no indication that any of them has ever received a Declaratory Ruling that it is a bona fide news interview program.

And yet, the Commission has not made any public announcements that it is investigating *The Mark Levin Show*, *The Glenn Beck Program*, the *Guy Benson Show*, or the licensees of KTBB, WBAP, KPRC, or KSEV. Nor should it. But such a clear disparity in the treatment of broadcasters that ought to be subject to the same treatment under law raises serious concerns about viewpoint discrimination and retaliatory targeting.

To be clear, the Bureau's change in policy and apparent focus on the viewpoints presented in a particular program harms not just ABC's First Amendment rights, but the First Amendment rights of all broadcasters, regardless of their perceived viewpoints. Commentators across the political spectrum have warned about the danger of using the power and influence of the federal government to suppress disfavored views. Indeed, a broad range of voices have begun sounding the alarm that any adverse actions by the FCC will be used by future

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[141] *The Glenn Beck Program*, KPRC, https://kprcradio.iheart.com/featured/glenn-beck (last visited May 7, 2026); *The Glenn Beck Program*, Glenn Beck, https://glennbeck.com/-listen/series/the-glenn-beck-program (last visited May 7, 2026) (program webpage).

[142] *Guy Benson Show*, KSEV, https://ksevradio.com/guy-benson-show (last visited May 7, 2026); *'IT'S ABOUT THEIR POWER': Rep. Chip Roy Breaks down the SAVE America Act*, Fox News Radio (Feb. 11, 2026), https://radio.foxnews.com/2026/02/11/rep-chip-roy-save-america-act.

administrations to censor and punish speech they dislike.[143] Simply put (by Senator Ted Cruz), using the threat of FCC action to chill speech is "dangerous as hell."[144] Similarly, commentator Ben Shapiro opined:

> I do not want the FCC in the business of telling local affiliates that their licenses will be removed if they broadcast material that the FCC deems to be false. Why? Because one day the shoe will be on the other foot. … I know that a lot of people on the Right are saying, "The shoe will never be on the other foot, and if it is, the Left will just do it anyway." But preemptively breaking things because you believe that the Left is going to break the things still makes the things broken — and you can't unbreak them.[145]

The equal opportunities rule has always imposed a suspect First Amendment burden on broadcasters. While the Commission put off a reckoning of that burden for decades through judicious application of the bona fide news exemptions, this case illustrates that the fundamental conflicts remain. In short, for several independent reasons, the First Amendment does not permit the Commission's threatened application of Section 315(a) to *The View*.

V. CONCLUSION.

ABC is committed to full compliance with the Communications Act and the Commission's rules. ABC is likewise committed to serving the public interest by bringing impactful and engaging news and entertainment programming to the communities it serves. That is why ABC sought—and received—a formal determination from the Commission that *The View* is a bona fide news interview program nearly 25 years ago. Even if it had not done so, however,

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[143] *See* Stephen Battaglio, *FCC chair's call for 'equal time' could have chilling effect on TV and radio*, L.A. Times (Jan. 23, 2026), https://www.latimes.com/entertainment-arts/business/story/-2026-01-23/fcc-chairs-call-for-equal-time-could-have-chilling-effect-on-tv-radio (quoting Sean Hannity as stating "We need less government regulation and more freedom. Let the American people decide where to get their information from without any government interference.").

[144] Koch, *Cruz Warns Conservatives*, *supra* note 6.

[145] Shapiro, *Glad Kimmel's Gone*, *supra* note 6.

The View currently qualifies as a bona fide news interview program because it manifestly meets every one of the three factors the Commission and Congress established.

The View, and other shows like it, support the public interest, as Congress envisioned when it adopted the bona fide news exemptions. This goal—giving the public the broadest access to news about political races by permitting broadcasters to cover political news without fear of sanction—is especially critical today. As the 2026 election approaches, the American people need more access to political news and more exposure to political candidates, not less. It is therefore imperative that the Commission act quickly to assure broadcasters that it will uphold its long-established standards protecting broadcasters' good faith news judgment in including political candidates in bona fide news programming. To do anything else—on the eve of an election cycle—would compound the uncertainty and resulting First Amendment chill that the Commission's recent actions have engendered. ABC therefore respectfully requests that the Commission expeditiously affirm that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

Respectfully submitted,

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May 7, 2026

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

DECLARATION OF BRIAN TETA

I, Brian Teta, declare as follows:

1. I am the Executive Producer of *The View*.

2. I have worked as a television producer since 1998.

3. I joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017.

4. Prior to working on *The View*, I was a producer for several other shows, including *The Late Show with David Letterman*, where I was responsible for booking guests for interviews.

5. I am an employee of the ABC News division of American Broadcasting Companies, Inc.

6. I report directly to Almin Karamehmedovic, the President of ABC News.

7. As Executive Producer, I oversee all aspects of the production of *The View* and I am the direct or indirect supervisor of all personnel who work on *The View*, including its producers and co-hosts.

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8. With respect to the day-to-day operations of *The View*, I am the final decision maker for all aspects of the production of *The View*, including the format, content, and participants of the program.

9. *The View* is an ABC Television Network program that has regularly aired since August 1997.

10. The general format of *The View* is a live, one-hour talk show with a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers conducted by the co-hosts.

11. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.

12. *The View* is broadcast by the ABC Network on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). It has maintained this scheduling since its premiere. There are no plans to change this scheduling.

13. Most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards.

14. The program takes an annual summer production break for the month of August, during which the ABC Network broadcasts selected previously aired episodes of the program. *The View* generally resumes production at the end of August, and a new season begins the Tuesday after Labor Day.

15. *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences.

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16. In 2024, *The View* received the DuPont-Columbia Award for journalism for its contributions to the ABC News team's report entitled "The Power of Water."

17. The production process by which interviews are conducted on *The View* is designed to help ensure that I, and the producers, production staff, and co-hosts under my supervision, maintain control over the content of the program in accordance with ABC News standards.

18. Interview subjects for *The View* are selected and invited though a booking process, which I oversee. I hold a twice-weekly meeting with the producers that constitute *The View*'s booking staff to discuss and select potential guests.

19. *The View*'s booking staff make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely contact *The View*'s booking staff to advocate for the inclusion of their clients (often, book authors with a new book to promote). *The View*'s co-hosts also may suggest potential guests.

20. Based on information provided to me and my own experience and knowledge of television production, I select potential interview subjects on the basis of newsworthiness, anticipated audience interest, and the potential to generate newsworthy programming content.

21. I am the sole decisionmaker with respect to the selection of interviewees.

22. I do not select potential interview subjects with the intent to advance or harm any individual's candidacy for any office or any other partisan purpose.

23. After I select potential interview subjects, I communicate those selections to *The View's* booking staff.

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24. The booking staff is responsible for contacting the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff are instructed to describe in general terms the topics they expect will be covered in the interview. Booking staff do not provide potential interview guests with any guarantees as to what content will be covered or included in the broadcast of the program.

25. During my time with *The View*, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on the program.

26. Some individuals that are invited to appear on the program decline the invitation. Over the past two years, individuals that have been invited onto the program but declined the invitation included JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio.

27. Booking staff schedule the interview guests who agree to appear on the program based primarily on the guests' availability and the overall balance of each day's program.

28. Once a guest agrees to appear on the program, one of *The View*'s producers prepares an outline of potential interview questions. That segment producer generally conducts a "pre-interview" meeting with the guest or the guest's representatives to discuss the interview, including the general topics that may be covered. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and information obtained through the "pre-interview."

29. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC News personnel.

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30. All interview outlines are finally reviewed and approved by me. Interview guests do not review, edit, or approve the interview outline and are not provided with the interview questions in advance of the interview.

31. *The View*'s co-hosts conduct guest interviews based on the interview outlines that I approve. The interviews may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, the co-hosts wear in-ear monitors that allow me and other producers to communicate directions to the co-hosts during the interviews as needed. In most cases, I am on set to observe and oversee the interviews.

32. While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast.

33. Interview subjects are not given any option to edit or otherwise influence or control the broadcast of the interview, and do not see the final interview until it airs.

34. Texas primary candidate for Senate Jasmine Crockett appeared on *The View* on January 6, 2026.

35. Texas primary candidate for Senate James Talarico appeared on *The View* on February 2, 2026.

36. After Ms. Crockett's appearance on the program, *The View* co-hosts Farah Griffin and Goldberg suggested to me that Mr. Talarico should be a potential interview guest.

37. In deciding whether to invite Mr. Talarico to appear on *The View*, I considered the facts that, at that time, Talarico's campaign had been receiving national attention and that Talarico had gained a significant following on social media. These factors, along with the newsworthiness

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of the Texas senate primary elections and potential audience interest in Mr. Talarico, informed my judgment that Mr. Talarico was a newsworthy subject. My decision to invite Mr. Talarico to appear on the program was not motivated by any intent to advance or harm any individual's candidacy.

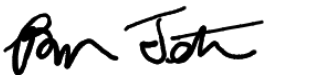
38. A booking staff member on *The View* issued an invitation to the Talarico campaign for Talarico to be interviewed on the program.

39. After the Talarico's campaign accepted the invitation, one of *The View*'s producers (who previously worked for *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with our standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC News personnel before I reviewed it and gave final approval.

40. Neither I, nor any of the producers or staff under my supervision, provided the interview outline or any of the prepared questions to Mr. Talarico or his representatives prior to the interview. Neither I, nor any of the producers or staff under my supervision, provided any assurances to Mr. Talarico or his representatives as to the content of the program.

41. Neither I, nor any of the producers or staff under my supervision, provided Mr. Talarico or his representatives with any opportunity to suggest edits or view the final interview before it aired.

I declare, under penalty of perjury, that, to the best of my information, knowledge, and belief, which includes knowledge based on information provided to me by others, that the foregoing is true and correct.



Brian Teta

Executed on: May 7, 2026

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Microsoft Outlook

From: Christopher Santini
Sent: Friday, May 8, 2026 2:00 PM
To: Adam Candeub
Cc: Scott Bouboulis
Subject: ABC Petition for Declaratory Ruling
Attachments: ABC 2026 PDR.pdf

(b) (5) I am writing to provide the petition for declaratory ruling that was filed by ABC today regarding the bona fide news determination. (b) (5)

Christopher Santini
Chief of Staff and Assistant General Counsel
Office of General Counsel
Federal Communications Commission
(202) 418-1724
christopher.santini@fcc.gov

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

PETITION FOR DECLARATORY RULING

May 7, 2026

Summary

The Commission's order to file this Petition for Declaratory Ruling is unprecedented, beyond the Commission's authority, and counterproductive to the Commission's stated goal of encouraging free speech and open political discussion. The Commission's actions threaten to upend decades of settled law and practice and chill critical protected speech, both with respect to *The View* and more broadly.

The View has been broadcasting under a bona fide news exemption granted to it more than twenty years ago, consistent with longstanding Commission interpretations designed to minimize the serious First Amendment problems inherent in the equal time regime.[1] *The View*'s exemption remains valid and the constitutional infirmities in the equal time doctrine are even more pronounced today, when the broadcast airwaves account for a slice of the numerous media options through which Americans get their political information. Indeed, the marketplace of ideas has never been more robust, and people can hear virtually any brand of political commentary by listening to a podcast, watching cable, scrolling social media, or streaming on a phone, computer or connected TV. The free flow of ideas flourishes on these non-broadcast platforms even though the equal opportunities rule does not apply there.

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[1] *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Although the line up of the co-hosts has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

The public interest would best be served by supporting broadcasters' efforts to maintain their place in this marketplace of ideas. Narrowing the Commission's long-established approach to bona fide news exemptions, however, would risk restricting political discourse exactly when it is needed most. While candidates are always able to connect with voters on cable, podcasts, and social media, specifically requiring broadcast airtime for all qualified candidates does not expand speech; rather, it makes coverage infeasible, which ultimately reduces it. In California's upcoming gubernatorial "jungle primary," for instance, affording equal time would mean accommodating over 60 legally qualified candidates, regardless of their perceived newsworthiness. The government should neither suppress nor compel speech in support of any political viewpoint in order "to achieve [the state's] own conception of speech nirvana."[2] That includes telling a private publisher "how to exercise their editorial discretion about what content to carry or favor."[3]

Some may dislike certain—or even most—of the viewpoints expressed on *The View* or similar shows. Such dislike, however, cannot justify using regulatory processes to restrict those views. The government does not get to decide "what shall be orthodox in politics, nationalism, religion, or other matters of opinion."[4] Or which "ideas and beliefs [are] deserving of expression [and] consideration."[5] The danger is that the government will simply decide which perspectives to regulate and which to leave undisturbed. In fact, while the Commission now questions *The View*'s decades-long exemption, it has not expressed any inclination to apply a similar

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[2] *Moody v. NetChoice, LLC*, 603 U.S. 707, 742 (2024).

[3] *U.S. Telecom Ass'n v. FCC*, 855 F.3d 381, 435 (D.C. Cir. 2017) (Kavanaugh, J., dissenting from denial of rehearing en banc).

[4] *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

[5] *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994).

interpretation of the equal opportunities rule to other broadcasters, including the many voices—conservative and liberal—on broadcast radio. And as a broad array of voices, including many conservatives, have recognized, if the government is allowed to discriminate on the basis of viewpoint in a Republican administration, there is little preventing it from doing so when the Democrats are in charge.[6]

Until now, it has never been disputed that *The View* qualifies as a bona fide news interview program. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau confirming that status. That Declaratory Ruling remains in full force and effect. The Commission has taken no action over the last two decades to modify or overturn the Declaratory Ruling and there is no basis for doing so now. Given that KTRK Television acted in good faith reliance on the Declaratory Ruling and the consistent guidance provided by the Commission for decades, the Commission cannot find now that KTRK Television violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.

Nevertheless, at the end of March, the Media Bureau ordered KTRK Television to file another Petition for Declaratory Ruling regarding *The View*'s status as a bona fide news interview program. In parallel, on April 28, 2026, the Media Bureau issued an extraordinary order demanding the early filing of all of ABC's license renewal applications, including for KTRK-TV. Combined with the Commission's other recent actions, including publicly

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[6] *See, e.g.*, Alexandra Koch, *Cruz warns conservatives 'will regret' FCC censorship push against ABC, other media outlets*, Fox News (Sept. 19, 2025), https://foxnews.com/politics/cruz-warns-conservatives-will-regret-fcc-censorship-push-against-abc-other-media-outlets; Ben Shapiro, *Glad Kimmel's Gone But Don't Overreach*, The Daily Wire (Sept. 18, 2025), https://www.dailywire.com/news/glad-kimmels-gone-but-dont-overreach.

announcing its investigation concerning *The View* and presaging an outcome,[7] this suggests that the Commission is implementing major shifts in policy and practice, including how the Commission intends to apply the equal opportunities requirements. Such an abrupt and substantial change in long-established policy requires the action of the full Commission and the oversight of the courts.

The View continues to qualify as a bona fide news interview program because it continues to meet all of the legal requirements set forth by Congress and the Commission. Specifically, (1) *The View* is a regularly scheduled program, (2) *The View* is fully controlled by ABC, which produces the show for broadcast by the ABC Television Network, and (3) decisions concerning *The View*'s format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy. With respect to whether a broadcaster's programming decisions are based on newsworthiness, the Commission has long recognized that it was Congress's intent that the Commission respect the good faith news judgments of broadcast licensees.

Uncertainty as to the scope of broadcast licensees' editorial discretion threatens to limit news coverage of political candidates and chill core First Amendment-protected speech for years and potentially decades to come. As the 2026 midterm election approaches, the American people need more access to political news and more exposure to political candidates, not less. The Commission therefore must act quickly to assure broadcasters that it will uphold long-established legal standards by affirming that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

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[7] *See, e.g.*, Madison Columbo, *FCC chair warns 'The View' faces 'uphill climb' in equal-time probe*, Fox Business (Feb. 27, 2026), https://www.foxbusiness.com/media/fcc-chair-warns-the-view-faces-uphill-climb-equal-time-probe.

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Before the
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Washington, D.C. 20554

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PETITION FOR DECLARATORY RULING

I. INTRODUCTION.

By this Petition, KTRK Television, Inc. ("KTRK Television"), licensee of station KTRK-TV, Houston, Texas ("KTRK"), and its parent company, American Broadcasting Companies, Inc. (individually and together with KTRK Television, "ABC"), comply with the Commission's unprecedented order to request that the Commission affirm that *The View* is a "bona fide news interview" program under 47 U.S.C. § 315(a).[8] The Commission has analyzed this program already, and the factors that drove that decision remain controlling today. In 2002, ABC requested and obtained a Declaratory Ruling from the Mass Media Bureau that *The View* qualifies as a bona fide news interview program. Consistent with that ruling, hundreds of political candidates across the political spectrum and other notable and newsworthy figures have appeared on *The View* over the past two decades, in full compliance with the Act and the Commission's rules.

However, as the 2026 election season approaches, recent statements from the Commission suggest a significant change in how it will apply its long-standing rules and

[8] While the Commission's order was directed to KTRK Television, the existing Declaratory Ruling was issued to ABC.

standards concerning the bona fide news exemptions to the equal opportunities requirements. On January 21, 2026, the FCC's Media Bureau released a *Public Notice* which purports to provide guidance on the equal opportunities requirement.[9] Rather than provide clarity, however, the *Public Notice* has created harmful ambiguity in an area where none previously existed and has a chilling effect on First Amendment-protected free speech on the eve of the 2026 elections. The *Public Notice* states that the Media Bureau "has not been presented with any evidence" that any current late night or daytime television talk show would qualify as a bona fide news interview program.[10] The *Public Notice* thus "encourages" any program or station that wishes to obtain formal assurance that it qualifies for the bona fide news exemption to file a request for declaratory ruling. The *Public Notice* reiterates certain elements of the standards that have long applied to the equal opportunities requirements and the bona fide news exemption, while simultaneously casting doubt on whether the Commission would continue to interpret those standards consistently with the approach it has taken for over 40 years.[11]

On February 11, 2026, the Media Bureau sent a Letter of Inquiry ("LOI") to KTRK Television concerning the appearance of senatorial primary candidate James Talarico on *The*

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[9] *FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations*, Public Notice, DA 26-68 (rel. MB Jan. 21, 2026) ("*Public Notice*").

[10] *Id.* at 4. The *Public Notice* conspicuously omits any reference to radio broadcasters.

[11] The *Public Notice* also contradicts prior Commission statements that formal petitions for declaratory ruling are not necessary for stations to be covered by the bona fide news exemptions. *See Request of Infinity Broadcasting Operations Inc.*, Declaratory Ruling, 18 FCC Rcd 18603, 18604 (MB 2003) ("*Infinity Declaratory Ruling*") ("[W]e emphasize that licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not seek formal declaration from the Commission that that such programs qualify as news exempt programming under Section 315(a).").

View, which aired on KTRK on February 2, 2026.[12] The LOI inquired whether the station had placed a record of the Talarico appearance in the station's political file and whether KTRK Television took the position that *The View* qualified as a bona fide news interview program. KTRK Television responded on February 12, 2026 that *The View* qualifies as a bona fide news interview program and, accordingly, the station had not placed a record of the Talarico appearance in the station's political file.

On March 26, 2026, the Media Bureau sent KTRK Television a Supplemental Letter of Inquiry ("SLOI") stating that it needed additional information concerning the matter.[13] The Bureau based its need for further inquiry on its assertion that "19 ABC affiliates serving parts of Texas all filed a notice of Mr. Talarico's February 2 appearance on *The View* pursuant to 47 CFR § 73.1943."[14] Thus, the Bureau suggested, "the assertion by KTRK Television, Inc. that *The View* qualifies for the *bona fide* news interview exception is not a position uniformly held by broadcasters that air the program."[15] The Bureau neglected to note, however, that while certain ABC affiliates documented Talarico's appearance in their online public inspection files, the filings were made more than two weeks after Talarico's appearance and apparently at the request of the FCC, which reportedly promised to eschew enforcement for the late filing. KTRK Television received no such request and no such offer, despite the Bureau specifically contacting

[12] Letter from Erin Boone, Acting Chief, Media Bureau, FCC, to KTRK Television Inc., KTRK, Houston, TX (Fac. Id. 35675) (Feb. 11, 2026) ("LOI").

[13] Letter from Erin Boone, Chief, Media Bureau, FCC, to KTRK Television, Inc., KTRK, Houston, TX (Fac. Id. 35675), at 3 (Mar. 26, 2026) ("SLOI").

[14] *Id.*

[15] *Id.*

it about the Talarico appearance less than 10 days after it occurred.[16] The Bureau concluded the SLOI with an unprecedented order: "[W]e direct KTRK Television, Inc. to produce and submit to the Commission a petition for declaratory ruling regarding *The View* that satisfies the statutory requirements for a bona fide news exemption."[17]

The Bureau lacks the authority to issue an order mandating a licensee to file a petition for declaratory ruling. In support of its unprecedented order, the Bureau cited to the Commission's general authority to issue orders and conduct its proceedings as necessary to execute its functions.[18] Such authority, however, gives the Commission latitude to determine the manner in which it conducts its business, not blanket authority to order licensees to file petitions or initiate legal proceedings. Moreover, such an order flatly contradicts prior statements that "licensees airing programs that meet the statutory news exemption, as clarified in our case law, need not

[16] At the time of the February 11, 2026, LOI, it appears that *none* of the 19 ABC affiliates referenced by the Media Bureau had seen fit to place a notification of the February 2 Talarico appearance in their political files.

[17] *Id.* On April 28, 2026, the Bureau issued an extraordinary order demanding that KTRK Television, along with all of ABC's broadcast licensees, file their license renewal applications years ahead of schedule, and has cited as its rationale the inadequacy of the Company's response to the FCC's investigation into the Company's diversity, equity, and inclusion (DEI) practices. *The Walt Disney Company, American Broadcasting Company, et. al.*, Order, DA 26-416, ¶ 2 n.1 (MB rel. Apr. 28, 2026). In that DEI investigation, the Company received a Letter of Inquiry from the Enforcement Bureau on June 5, 2025, and promptly negotiated an agreed scope and timetable for its responses with the Bureau. Between July and September 2025, the Company produced over 6,200 pages of documents in response consistent with the schedule and scope agreed to by the Bureau. The Company next heard from the Commission five months later when the Commission issued an expansive Supplemental Letter of Inquiry. The Company completed its response to the Supplemental Letter of Inquiry on April 21, 2026, on the timetable agreed to by the Bureau, producing a 38 page narrative response to the Commission's 78 additional written requests and producing an additional 4,839 pages of documents—one week before the Bureau's order requiring early license renewal applications.

[18] *Id.* (citing 47 U.S.C. § 154(i) and(j) and 47 C.F.R. § 1.1).

seek formal declaration from the Commission that such programs qualify as news exempt programming under Section 315(a)."[19]

As for the merits, the Commission should interpret the exception to cover *The View* to avoid the serious constitutional problems that would arise from applying the equal opportunities rule to the program. While the Supreme Court may once have upheld the FCC's distinct "personal attack" and "political editorial" regulations,[20] the fundamental factual predicates of that decision no longer exist. The decision to hold broadcasters—and broadcasters alone—to a different First Amendment standard was dubious then and unsupportable now. In the absence of any meaningful scarcity of information resources, it is difficult to see how the equal opportunities rule can survive First Amendment scrutiny. The Commission should avoid those constitutional concerns by affirming that *The View* still qualifies for a Section 315(a) exemption as a bona fide news interview program.

As noted above, the Commission previously ruled that *The View* is exempt from the equal opportunities requirements as a bona fide news interview program. There has been no subsequent action from the Commission modifying or overturning that ruling. As KTRK (and all other stations airing *The View*) acted in accordance with that determination, the Commission cannot find that KTRK Television or any other licensee violated any aspect of those requirements with respect to the appearance of Talarico or any other political candidate on *The View*.

ABC stresses its full commitment to compliance with all regulations, statutes and, of course, the Constitution, and believes it has acted consistently with them. As demonstrated herein, there can be no doubt that *The View* continues to qualify as an exempt bona fide news

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[19] *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

[20] *Red Lion Broad. Co. v. FCC*, 395 U.S. 367 (1969).

interview program. As additional elections approach, however, ABC and similarly situated broadcasters face complex programming decisions, including with respect to bookings of legally qualified candidates. Uncertainty fostered by the *Public Notice* as to the scope of broadcast licensees' editorial discretion and, conversely, their obligation to air material that they otherwise might not, chills core First Amendment-protected speech.

Because of this uncertainty and its harmful effects on free speech, it is critical that the Commission act quickly to reaffirm its long-standing principles concerning bona fide news programming, as well as *The View*'s qualification as a bona fide news interview program. Affirming *The View*'s exempt status will advance the Congressional mandate to bring "the news concerning political races to the greatest number of citizens,"[21] support the public interest service provided by broadcast station licensees, and ratify the Commission's dedication to core First Amendment principles. Indeed, constitutional avoidance compels *The View*'s continued qualification for an equal opportunities exemption.

It is equally critical that any further action in this matter be conducted via consideration by and a vote of the full Commission and not by Media Bureau staff acting under delegated authority. While the Commission may delegate some functions to Bureau staff, changes in long-standing Commission rulings can only be made by the Commission itself.[22] The Commission established its current approach to bona fide news interview programs over 40 years ago and has consistently applied it ever since. Changes in the law must come from the Commission itself, not Bureau staff. In addition, because this matter will impact elections—many of which are in full swing—it is vital that this matter be resolved quickly by the Commission and, if necessary,

[21] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

[22] *See* 47 U.S.C. §§ 155(c)(1)-(3); 47 C.F.R. § 0.5(c).

the courts. Bureau level action in this matter would only result in delay that will chill time sensitive news coverage of elections. News delayed is news denied and, as Senators Ted Cruz and Maria Cantwell recently reminded the Commission, "[t]hat concern is not merely academic. Process choices in high-profile cases establish precedent."[23]

ABC therefore requests that the Commission act expeditiously to affirm its long-standing approach to the bona fide news interview exemption and the Commission's continued support of the public interest services provided by broadcast stations.

II. FIRST AMENDMENT CONSIDERATIONS MUST GOVERN THE COMMISSION'S ACTIONS.

A. The Equal Opportunities Rule Raises Profound First Amendment Concerns.

The First Amendment emphatically protects "both the right to speak freely and the right to refrain from speaking at all."[24] Since "all speech inherently involves choices of what to say and what to leave unsaid," it is bedrock law that "one who chooses to speak may also decide 'what not to say.'"[25] For the broadcast media, each right is equally important. Curating news programming requires editorial decisions about what stories, guests, and topics to feature—choices that inevitably require trade-offs. Those decisions define a broadcaster's speech offering and its contribution to public discourse. And those editorial decisions are especially important today, as broadcasters attempt to inform and entertain the public in competition with a cacophony of other voices and sources of information, from cable television to social media to artificial intelligence tools. The First Amendment thus protects "editorial discretion in the

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[23] Letter from Ted Cruz & Maria Cantwell to Brendan Carr, Chairman, FCC (Mar. 30, 2026) (Chair & Ranking Member, Senate Committee on Commerce, Science, and Transportation).

[24] *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

[25] *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995).

selection and presentation" of speech.[26] Under the First Amendment, the government is not in the business of compelling or suppressing speech to achieve officials' ideal or preferred news presentations.

Governments are free to criticize private speech, but not to compel or suppress it. When the government has sought to shape the news landscape, the Supreme Court has roundly rejected those efforts. In *Miami Herald Pub. Co. v. Tornillo*, for instance, the Court invalidated a Florida law requiring newspapers to offer political candidates space to respond to negative press.[27] The Court stressed that the "choice of material to go into a newspaper, and the decisions made as to … treatment of public issues and public officials—whether fair or unfair—constitute the exercise of editorial control and judgment," which is itself protected speech.[28] Whatever interest the state may have had in "ensur[ing] that a wide variety of views reach[ed] the public" is not sufficiently compelling to force a newspaper to "print that which it would not otherwise print."[29]

That is hardly the only context in which the Court has rejected the notion that the government may restrict the First Amendment rights of private parties in service of "balancing" the public's information diet. Most recently, the Court rejected state efforts to force social media companies to disseminate speech in order "to achieve [the state's] own conception of speech nirvana."[30] Whatever the medium, the government may not tell private parties "how to exercise their editorial discretion about what content to carry or favor."[31] The government may not "tell

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[26] *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 674 (1998).

[27] *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256 (1974).

[28] *Id.* at 258.

[29] *Id.* at 248.

[30] *Moody*, 603 U.S. at 742.

[31] *U.S. Telecom Ass'n*, 855 F.3d at 435 (Kavanaugh, J., dissenting from denial of rehearing en banc).

Amazon or Politics & Prose what books to promote; or tell *The Washington Post* or the *Drudge Report* what columns to carry; or tell ESPN or the NFL Network what games to show; or tell *How Appealing* or *Bench Memos* what articles to feature; or tell Twitter or YouTube what videos to post; or tell Facebook or Google what content to favor."[32]

The equal opportunities rule operates in the teeth of these principles, compelling and chilling speech by broadcasters. The rule provides, in relevant part, that "[i]f any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."[33] By forcing broadcasters to air *all* qualified candidates without regard to their newsworthiness, the rule squelches editorial discretion: Sometimes that means a broadcaster will be compelled to change its offerings and broadcast speech it views as unnewsworthy, and sometimes it means a broadcaster will self-censor and refrain from speech it believes is newsworthy to avoid obligations to multitudes of less-newsworthy aspirants to elected office. The equal opportunities rule is utterly irreconcilable with the Court's repeated admonitions that "a speaker has the autonomy to choose the content of [its] own message."[34] Just as the government may not compel private parties to convey its own message,[35] it may not compel one private speaker to convey the message of another.[36]

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[32] *Id.*

[33] 47 U.S.C. § 315(a).

[34] *Hurley*, 515 U.S. at 573.

[35] *W. Va. State Bd. of Educ.*, 319 U.S. 624.

[36] *303 Creative LLC v. Elenis*, 600 U.S. 570, 588-89 (2023); *Hurley*, 515 U.S. at 573; *Pac. Gas and Elec. Co. v. Pub. Utils. Comm'n*, 475 U.S. 1, 11 (1986) (plurality op.); *Tornillo*, 418 U.S. at 258.

To be sure, the Supreme Court's decision in *Red Lion* held that those principles applied somewhat differently in the 1960s broadcasting context.[37] But *Red Lion*'s factual predicates no longer obtain.[38] The *Red Lion* Court upheld the FCC's "personal attack" and "political editorial" regulations, reasoning that these aspects of the fairness doctrine were permissible in view of scarce broadcast spectrum and the right of the public to information.[39] These justifications were dubious then—"[t]he text of the First Amendment makes no distinctions among print, broadcast, and cable media,"[40] and in any event "[a]ll economic goods are scarce, not least the newsprint, ink, delivery trucks, computers, and other resources that go into the production and dissemination of print journalism."[41] But they are unsupportable now in an age of information ubiquity. The public does not rely on compelling broadcasters' speech "to receive suitable access to social, political, esthetic, moral, and other ideas and experiences,"[42] when seemingly endless sources of information abound at the tap of a smartphone. Indeed, *Red Lion* itself "implied that its result would have been different in the absence of such a [scarcity] predicate,"[43]—a reservation to which the Court,[44] and several justices,[45] have subsequently alluded.

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[37] *Red Lion*, 395 U.S. at 386-93.

[38] *See FCC v. Fox Television Stations, Inc*., 556 U.S. 502, 530 (2009) (Thomas, J., concurring).

[39] 395 U.S. at 389-92.

[40] *Denver Area Educ. Telecomm. Consortium, Inc. v. FCC*, 518 U.S. 727, 812 (1996) (Thomas, J., joined by Rehnquist, C.J. and Scalia, J., concurring in part).

[41] *Telecommunications Rsch. & Action Ctr. v. FCC*, 801 F.2d 501, 508 (D.C. Cir. 1986).

[42] *Red Lion*, 395 U.S. at 390.

[43] *Time Warner Ent. Co., L.P. v. FCC*, 105 F.3d 723, 725 (D.C. Cir. 1997) (Williams, J. dissenting from denial of rehearing en banc).

[44] *FCC v. League of Women Voters of Cal.*, 468 U.S. 364, 376 n.11 (1984).

[45] *Fox Television Stations*, 556 U.S. at 533 (Thomas, J., concurring).

Shorn of scarcity concerns that are no longer tenable, the equal opportunities rule is in serious tension with the First Amendment. Much as with Section 315(a), the State in *Tornillo* argued that the right-of-reply statute was critical "to ensure that a wide variety of views reach the public."[46] The press, the State lamented, had become "enormously powerful and influential in its capacity to manipulate popular opinion and change the course of events."[47] The "result," the state continued, was "to place in a few hands the power to inform the American people and shape public opinion," leading to "homogeneity of editorial opinion, commentary, and interpretive analysis" and "abuses of bias and manipulative reportage."[48] The Court refused to allow these fears to override the speech rights of newspapers, finding that the law's blatant "intrusion into the function of editors" decidedly failed to "clear the barriers of the First Amendment."[49] The Court has rejected precisely the same speech-balancing rationale in invalidating a ban on public-broadcaster editorializing.[50] *League of Women Voters of Cal.* emphasized that determining the constitutionality of broadcaster regulations "requires a critical examination of the interests of the public and broadcasters in light of the particular circumstances of each case,"[51] and ultimately struck down the policy.

Because Section 315(a) "restrict[s] precisely that form of speech which the Framers of the Bill of Rights were most anxious to protect—speech that is 'indispensable to the discovery

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[46] 418 U.S. at 247-48.

[47] *Id.* at 249.

[48] *Id.* at 250.

[49] *Id.* at 258.

[50] *League of Women Voters of Cal.*, 468 U.S. at 398 (invalidating the Communications Act's prohibition in Section 399 for noncommercial broadcast stations that received grants from the Corporation for Public Broadcasting from engaging in editorializing).

[51] *Id.* at 381.

and spread of political truth'—[courts] must be especially careful in weighing the interests that are asserted in support of this restriction and in assessing the precision with which" the requirement operates.[52] It is difficult to see how Section 315(a) can survive that "careful … weighing." In short, if the Supreme Court were to consider the question anew—as several Justices have suggested it should—it is hard to see how it could hold the equal opportunities rule constitutional.

B. At Minimum, the Equal Opportunities Rule Could Not Survive Constitutional Scrutiny Without a Robust Bona Fide News Exemption.

At a minimum, the equal opportunities rule could not survive constitutional scrutiny without the kind of robust bona fide news exemption that the Commission has applied for decades. "When legislation and the Constitution brush up against each other," an agency's "task is to seek harmony, not to manufacture conflict."[53] By adding the bona fide news exemption to the equal opportunities rule, Congress provided a means by which the rule can be "construed to avoid serious constitutional doubts."[54] But the bona fide news exemption can operate as a First Amendment pressure-release valve only if the Commission maintains the robust interpretation of the exemption that it has long employed.

The equal opportunities rule was adopted as part of the Radio Act of 1927 to help ensure that candidates for public office were treated in an equal manner with respect to access to broadcast facilities. This was particularly important at that time and for the next several decades, when broadcast radio and television represented the sole forms of mass media and the only

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[52] *Id.* at 383.

[53] *United States v. Hansen*, 599 U.S. 762, 781 (2023).

[54] *Fox Television Stations*, 556 U.S. at 516.

means by which political candidates could communicate their direct message to mass audiences. Nevertheless, Congress had come to recognize even by the time of *Red Lion* that the equal opportunities rule imposed substantial burdens on, and threatened to chill, broadcast stations' coverage of political information. That concern became particularly acute after the Commission reversed longstanding precedent and imposed equal-opportunities obligations based on candidate appearances during newscasts.[55]

Congress responded in 1959 by adding the bona fide news exemption to foster coverage of political campaign activity and preserve broadcasters' discretion to exercise their good faith news judgment in deciding which candidates to cover and in what formats.[56] As the legislative history confirms, Congress's goal in doing so was "to enable what probably has become the most important medium of political information to give the news concerning political races to the greatest possible number of citizens, and to make it possible to cover the political news to the fullest degree."[57] To that end, Congress provided:

> Appearance by a legally qualified candidate on any—
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> (1) bona fide newscast,
> (2) bona fide news interview,
> (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
> (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

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[55] *Petitions of Columbia Broadcasting System, Inc., and National Broadcasting Co*., Interpretive Opinion, 26 F.C.C. 715 (1959); *see Chisholm v. FCC*, 538 F.2d 349, 351-52 (D.C. Cir. 1976).

[56] *See, e.g.*, 105 Cong. Rec. 14446 (1959) (statement of Sen. McNamara) (the amendments leave "the control of news coverage of politics in the hands of the broadcasters"); *see also Request by Multimedia Entertainment, Inc. for Declaratory Ruling*, Memorandum Opinion and Order, 56 Rad. Reg. 2d 143, 144 (1984) ("*Donahue Decision*") ("Congress contemplated and intended to encourage increased news coverage of political campaign activity.").

[57] 105 Cong. Rec. 14451 (1959) (statement of Sen. Holland).

> shall not be deemed to be use of a broadcasting station within the meaning of this subsection.[58]

Those exemptions notably are not confined to traditional "newscasts," but rather sweep in (among other things) "bona fide news interview" programs.[59] While Congress did not attempt to specifically define the types of programs that would qualify as bona fide news interviews, the legislative history identified factors such as whether a program is "regularly scheduled," and whether its "content and format" are "determined by the licensee" or by the network "in the exercise of its 'bona fide' news judgement and not for the political advantage of the candidate for public office."[60]

In keeping with that guidance, which the Commission concluded Congress had "enjoined" it to follow,[61] the Commission established three factors to determine whether something qualifies as a bona fide news interview: (1) whether the program is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether the broadcaster's or independent producer's decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm an individual's candidacy.[62] The overarching newsworthiness consideration reflects Congress's

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[58] 47 U.S.C. § 315(a).

[59] 105 Cong. Rec. 17776, 17777 (1959) (Conference Report) ("[A]n appearance on a 'bona fide news interview' is exempted without regard to whether it is included as part of a newscast.").

[60] 105 Cong. Rec. at 17777. *See also id.* at 17782 (statement of Sen. Harris) ("This requirement regarding the bona fide nature of the newscast, news interview or news events was not included without careful thought by the conference committee. It sets up a test which appropriately leaves reasonable latitude for the exercise of good faith news judgment on the part of broadcasters and networks.").

[61] *See Inquiry Concerning "Equal Time" Requirements Under Section 315 of the Communications Act of 1934, as amended*, 40 F.C.C. 395, 396 (1964).

[62] *See, e.g.*, *Hearst Television Inc.*, Declaratory Ruling, 31 FCC Rcd 7191, 7192-93 (MB 2016) (citing *ANE Productions Inc.*, Declaratory Ruling, 26 FCC Rcd 16148, 16149 (MB 2011) ("*ANE*

decision to qualify each exemption with the term "bona fide," thereby emphasizing that the key question is whether programming at issue is of genuine news value, as opposed to designed for the partisan purpose of advancing or harming any particular candidate.[63]

While the Commission's application of that three-part test evolved in the early years, it has remained largely stable since the landmark *Donahue Decision* in 1984, in which the Commission recognized that the exemption must be interpreted consistent with "Congress' overriding intent to increase news coverage of the political campaign process."[64] In the *Donahue Decision*, the Commission reversed a prior decision denying a bona fide news interview exemption to the talk show *Donahue*.[65] In doing so, the Commission applied the standard three-part test. First, the Commission recognized that there was no dispute as to whether *Donahue* was regularly scheduled. With respect to the second prong, whether the program's producers maintained control over the program, the Commission explicitly concluded that a talk show format did not preclude a finding of licensee control:

> [I]t would be unsound to rule that a program involving a unique or innovative approach to interviewing its guests somehow lacks sufficient licensee control evident in more traditional news interview programs like

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Declaratory Ruling"); *Request of ABC, Inc. for Declaratory Ruling*, 15 FCC Rcd 1355, 1358 (MMB 1999) ("*ABC Declaratory Ruling*")).

[63] *See Petitions of Henry Geller and National Association of Broadcasters and the Radio-Television News Directors Association to change Commission interpretation of Subsections 315(a)(3) and (4) of the Communications Act*, Report and Order, 95 F.C.C.2d 1236, 1243 (1983), *aff'd sub nom League of Women Voters Educ. Fund v. FCC*, 731 F.2d 995 (D.C. Cir. 1983).

[64] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358 (recognizing a shift in focus from programs with "more traditional question and answer formats" to "varying less conventional interview formats"); *see also Requests of Fox Broadcasting Company, Public Broadcasting Service, and Capital Cities/ABC, Inc. for Declaratory Rulings*, Declaratory Ruling, 11 FCC Rcd 11101, 11108 (1996) ("*Fox Declaratory Ruling*") ("Initially, the Commission interpreted the exemptions narrowly. Over the last twenty years, however, the Commission has interpreted the exemptions to allow for more diverse kinds of news programming, particularly with respect to the *bona fide* news interview and on-the-spot coverage of *bona fide* news event exemptions.").

[65] *Donahue Decision*, 56 Rad. Reg. 2d 143-44.

> "Meet the Press" or "Face the Nation" when the licensee has implemented reasonable techniques to ensure control. To do so would discourage programming innovation by sending a signal to broadcasters that to be exempt an interview program should adhere only to the format of certain programs mentioned by Congress over twenty-five years ago.[66]

Regarding the third prong, the Commission held that "[t]he proper Commission concern is limited to whether a licensee's claim of newsworthiness is reasonable" and that "it would seem elemental that Congress contemplated interviews with elected officials and candidates for elected office as newsworthy subject matter."[67] Noting that "Congressional intent is to defer substantially to the good faith news judgments of broadcast licensees," the Commission held *Donohue* qualified for the bona fide news interview exemption.[68]

In the ensuing 40 years, the Commission has consistently reaffirmed this approach, finding that a wide variety of programs qualify as bona fide news interview programs, including programs that featured non-traditional formats and hosts without formal journalistic backgrounds. As the Mass Media Bureau explained in 1999, "[i]n attempting to fulfill the letter and the spirit of the law, the Commission's decisions in this area have continued to expand the kinds of programming eligible for exemption in recognition of change and innovation in broadcast production."[69] Programs deemed qualified as bona fide news interview programs include such varied programs as *The Morning Program* (1987), *Geraldo* (1988), *Sally Jessy Raphael* (1991), *Later with Bob Costas* (1991), *The Jerry Springer Show* (1994), *The Howard Stern Show* (2003), *Governor Heineman's Call-In Show* (2006), and *The Tonight Show* (2006).[70]

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[66] *Id.* at 146.

[67] *Id.* at 147.

[68] *Id.* at 148.

[69] *ABC Declaratory Ruling*, 15 FCC Rcd at 1359.

[70] *Request by CBS Inc. for Declaratory Ruling*, 2 FCC Rcd 4377 (MMB 1987); *Request of Tribune Broadcasting Company for Declaratory Ruling*, 3 FCC Rcd 6248 (MMB 1988); *Request*

For example, in 2008 the Media Bureau found that the news interview segments of *The 700 Club* qualified for the bona fide news interview program exemption.[71] In making its determination, the Bureau emphasized assurances that, among other things, "all questions are prepared by a CBN employee based upon journalistic news principles" and that interviewees were selected based on newsworthiness and other factors.[72]

Similarly, in *ANE Productions Inc*., the Media Bureau found that the daytime talk show *Anderson*, which featured "a mixture of news and entertainment topics," qualified for the bona fide news interview exemption.[73] The producers of the program stated that "the format also includes interviews with celebrity guests and that 'qualified candidates for political office will be interviewed when their stories are considered by the producers to be relevant and newsworthy.'"[74] In its discussion of the case, the Bureau noted its long-standing position that "its 'role is not to decide, by some qualitative analysis, whether one kind of news story is more *bona fide* than another … [s]o long as the program characteristics set out by Congress are met,

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of Multimedia Entertainment, Inc. for Declaratory Ruling, 6 FCC Rcd 1798 (MMB 1991); *Request of National Broadcasting Co., Inc. for Declaratory Ruling*, 6 FCC Rcd 5200 (MMB 1991); *Request of Multimedia Entertainment, Inc. for Declaratory Ruling*, 9 FCC Rcd 2811 (MMB 1994); *Infinity Declaratory Ruling*, 18 FCC Rcd 18603; *Request of Nebraska Broadcasters Association for Declaratory Ruling*, 21 FCC Rcd 10742 (MB 2006) ("*NBA Declaratory Ruling*"); *Equal Opportunities Complaint Filed by Angelides For Governor Campaign Against 11 California Television Stations*, 21 FCC Rcd 11919 (MB 2006).

[71] *Petition of The Christian Broadcasting Network for Declaratory Ruling*, 23 FCC Rcd 7165, 7166 (MB 2008).

[72] *Id.*

[73] *ANE Declaratory Ruling*, 26 FCC Rcd at 16148.

[74] *Id.*

[its] role is properly limited to determining whether a broadcaster was reasonable in deciding that a program fits within an exemption.'"[75]

Likewise, in 1999 the Bureau found that *Politically Incorrect with Bill Maher* qualified for the bona fide news interview exemption.[76] The Bureau followed the standard three-part test; with respect to the second prong—whether the broadcaster controls the program—the Bureau credited the broadcaster's "various reasonable mechanisms" for maintaining control over the production, finding that "those structural safeguards appear reasonably designed to assure that good faith news judgment can be adequately protected."[77] Acknowledging the guidance from Congress and the Commission's decision in *Donohue* to "not second-guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion," the Bureau found that decisions about format, content and selection of participants on *Politically Incorrect* were based on newsworthiness and not motivated by any partisan purpose, despite the satirical nature of some of the program content.[78]

Notably, the Commission's analysis of the "bona fide" nature of a program has never rested on an examination of the political views of the program's host or required a host to profess partisan neutrality. Indeed, the Commission has granted exemptions to programs hosted by elected officials (a group not generally known for partisan neutrality). For instance, in 2006, the Media Bureau concluded that both *Governor Heineman's Call-In Show* and *Senator Ben*

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[75] *Id.* at 16469 (quoting *Request for Declaratory Ruling By Paramount Pictures Corporation, Cox Broadcasting Corporation, Taft Television Productions, and Television Program Enterprises*, 3 FCC Rcd 245, 245-46 (MMB 1988)).

[76] *ABC Declaratory Ruling*, 15 FCC Rcd 1355.

[77] *Id.* at 1359.

[78] *Id.*

Nelson's Call-In Show qualified for the bona fide news interview exemption under Section 315(a)(2) of the Act.[79]

In short, in accordance with Congressional intent and the requirements of the First Amendment, the Commission has consistently given deference to broadcasters' good faith judgment.[80] And courts have long affirmed that this deference is necessary to avoid the equal opportunities rule's encroaching on core First Amendment rights. As the D.C. Circuit put it, "absent evidence of broadcaster intent to advance a particular candidacy, the judgment of the newsworthiness of an event is left to the reasonable news judgment of professionals."[81] The First Amendment demands nothing less.

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[79] *NBA Declaratory Ruling*, 21 FCC Rcd at 10742-43.

[80] *See, e.g.*, *Fox Declaratory Ruling*, 11 FCC Rcd at 11108 ("In recognition of Congress' primary goal in enacting the exemptions – to facilitate a better informed electorate through greater news coverage of the political process – the Commission has accorded greater deference to a licensee's good faith news judgment."); *Donahue Decision*, 56 Rad. Reg. 2d at 148.

[81] *Kennedy for President Comm. v. FCC*, 636 F.2d 417, 427 (D.C. Cir. 1980) (quoting *Chisholm*, 538 F.2d at 359). Courts have long recognized this Congressional intent in interpreting the scope and application of the Section 315(a) exemptions. The D.C. Circuit, for instance, noted that Congress had concluded that "the concept of absolute equality among competing political candidates would have to give way, to some extent, to two other 'worthy and desirable' objectives: First, the right of the public to be informed through broadcasts of the political events; and Second, the discretion of the broadcaster to be selective with respect to the broadcasting of such events." *Chisholm*, 538 F.2d at 352 (citing Hearings on Political Broadcasts Equal Time Before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce, 86th Cong., 1st Sess. 2 (1959) (statement of Chairman Harris)). Thus, the Court stated, "[i]n creating a broad exemption to the equal time requirements in order to facilitate broadcast coverage of political news, Congress knowingly faced risks of political favoritism by broadcasters, and opted in favor of broader coverage and increased broadcaster discretion." *Chisholm*, 538 F.2d at 366.

III. *THE VIEW* IS A BONA FIDE NEWS INTERVIEW PROGRAM TODAY, JUST AS IT WAS IN 2002.

As the foregoing should make clear, the best way for the Commission to avoid the grave First Amendment problems that the equal opportunities rule presents is by holding, as it did in 2002, that *The View* qualifies for a Section 315(a) exemption as a bona fide news interview program. *The View* continues to easily satisfy the criteria the Commission has long applied. And interpreting the bona fide news interview program exemption to exclude shows like *The View* would only exacerbate the constitutional problems with the statutory scheme.

A. Description of *The View*.

The View is an ABC Television Network program that has aired weekday mornings since August 1997. *The View* is a live, one-hour talk show created by legendary journalist Barbara Walters and television producer William Geddie. Since its inception, the fundamental format of the program has featured a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers from all walks of life and points of view.

Now in its 29th season, *The View* has remained committed to this format that has made it one of the most successful and longest-running daytime programs of all time. Although the co-host line up has changed over the years, *The View* has consistently prioritized having a panel of women from different backgrounds in order to facilitate interesting discourse and the exchange of divergent perspectives. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.[82]

[82] *The View* also features guest co-hosts from time to time including, for example, Savannah Chrisley, who filled in during Griffin's maternity leave in February 2026. *See* Olivia Rondeau,

- Joy Behar was one of the original hosts of *The View* when it premiered in 1997. Ms. Behar is among today's leading media personalities and has won numerous awards, including the 2009 Daytime Emmy Award for Outstanding Talk Show Host.[83] Ms. Behar's professional background is rooted in education and news production. She went on to serve as a producer for ABC News' *Good Morning America*, hosted *The Joy Behar Show* on CNN's HLN, and frequently guest-hosted *Larry King Live*.[84] She also hosted a WABC radio program, and worked as a high school English teacher for several years before transitioning to media.[85] Ms. Behar holds a Bachelor of Arts in sociology from Queens College and a Master's Degree in English Education from Stony Brook University.[86]

- Alyssa Farah Griffin is a Republican political strategist who joined *The View* as a co-host in 2022.[87] Ms. Griffin served as White House Director of Strategic Communications and Assistant to President Donald Trump during his first term and previously held roles as Press Secretary for the Department of Defense and Deputy Assistant to the Secretary of Defense in prior Republican administrations. From 2017 to 2019, she served as Press Secretary for former Vice President Mike Pence, and previously spent several years working as a senior communications aide for Representative Mark Meadows (R-NC) and the House Freedom Caucus under Representative Jim Jordan (R-OH) and Meadows. Ms. Griffin began her career in journalism as a broadcast media intern at the National Journalism

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Trump-Supporting TV Personality Savannah Chrisley to Guest Host 'The View', Breitbart (Feb. 5, 2026), https://www.breitbart.com/entertainment/2026/02/05/trump-supporting-tv-personality-to-guest-host-the-view. More recently, former co-host Elisabeth Hasselbeck returned to the show last month, garnering attention due to her defense of U.S. military actions in Iran. *See* Julia Moore, *Elisabeth Hasselbeck's Return to The View Is Interrupted by Trump's Remarks on Iran*, People (Mar. 2, 2026), https://people.com/elisabeth-hasselbeck-return-to-the-view-interrupted-by-trumps-remarks-on-iran-11917380. Co-host selection is "all about a different point[s] of view at the table," and ensuring the panel consists of people "who are good at this job." Ted Johnson, *Elisabeth Hasselbeck, Abby Huntsman & Savannah Chrisley To Be Among Guest Co-Hosts On 'The View' During Alyssa Farah Griffin's Maternity Leave*, Deadline (Feb. 4, 2026), https://deadline.com/2026/02/the-view-guest-co-hosts-alyssa-farah-griffin-1236708881.

[83] Joy Behar, ABC.com, https://abc.com/cast/b2ffc195-a56a-49d4-812a-a918a6fa717c (last visited Apr. 25, 2026) (cast biography).

[84] Lacey Rose, *HLN Confirms 'The Joy Behar Show' Has Not Been Renewed*, The Hollywood Reporter (Nov. 17, 2011), https://www.hollywoodreporter.com/news/general-news/hln-confirms-joy-behar-show-cancelled-263095.

[85] Joy Behar, CNN, https://www.cnn.com/CNN/anchors_reporters/behar.joy.html (last visited Apr. 25, 2026) (anchors and reporters biography).

[86] Zoey Lyttle, *Joy Behar's Life in Photos*, People (Oct. 7, 2022), https://people.com/tv/joy-behars-life-in-photos.

[87] Alyssa Farah Griffin, ABC.com, https://abc.com/cast/8003d444-bb1c-4fcb-9fd4-4f941247fef0 (last visited Apr. 25, 2026) (cast biography).

Center.[88] Ms. Griffin holds a Bachelor of Arts in journalism from Patrick Henry College.[89]

- Whoopi Goldberg has served as moderator and co-host of *The View* since 2007. An award-winning actress, producer and author,[90] Ms. Goldberg's career launched on Broadway in 1984 with her critically acclaimed one-woman stage show, *Whoopi Goldberg*. Ms. Goldberg made her Hollywood debut in Steven Spielberg's *The Color Purple*, earning an Academy Award nomination for Best Actress, and later won the Academy Award for Best Supporting Actress for her role in *Ghost*. In 2001, she received the Mark Twain Prize for American Humor. In 2002, she completed the rare EGOT distinction, having earned an Emmy, Grammy, Oscar, and Tony Award (as a producer of the musical *Thoroughly Modern Millie*).[91] Prior to joining *The View,* Ms. Goldberg also hosted *The Whoopi Goldberg Show* and a nationally syndicated morning radio program, *Wake Up with Whoopi*. Beyond performance, she has written several books, including a collection of humorous essays, and two children's books, and serves as a UNICEF International Goodwill Ambassador.[92] She has been honored with an honorary degree from Wilson College.[93] Goldberg has stated she does not identify with a specific political party.[94]

- Sara Haines, a former ABC News correspondent, joined *The View* as a co-host from 2016 to 2018, and returned to the program in 2020 after co-hosting ABC's

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[88] Alyssa Griffin, Legistorm.com, https://www.legistorm.com/person/bio/220812/Alyssa_Farah_-Griffin/hashkey/f7c373fb.html (last visited Apr. 25, 2026).

[89] Marjorie Pratt, *White House Spotlight: Alyssa Farah* (May 18, 2020), https://www.phc.edu/-learnphc/alyssa-farah.

[90] Whoopi Goldberg, ABC.com, https://abc.com/cast/00fdbde0-e115-4778-9dc8-b7091ce2caa9 (last visited Apr. 25, 2026) (cast biography).

[91] Whoopi Goldberg, Encyclopedia Britannica (last updated Apr. 13, 2026), https://www.britannica.com/biography/Whoopi-Goldberg.

[92] Whoopi Goldberg, American Academy of Achievement, https://achievement.org/achiever/whoopi-goldberg (last visited Apr. 25, 2026); Whoopi Goldberg, Yale Center for Dyslexia & Creativity, https://dyslexia.yale.edu/story/whoopi-goldberg (last visited Apr. 25, 2026) (biographical profile and interview).

[93] William C. Trott, *Whoopi By Degrees*, UPI (Dec. 4. 1987), https://www.upi.com/Archives/1987/12/04/WHOOPI-BY-DEGREES/7754565592400.

[94] Goldberg declared on the show that she does not subscribe to a particular political party ideology, in that she believes "the only way to get stuff done is to have both parties represented at the same time." Amanda Bell, *Whoopi Goldberg Explains Exactly Why She's Not a Democrat on 'The View'*, TV Insider (June 5, 2025), https://www.tvinsider.com/1195574/the-view-whoopi-goldberg-not-democrat-explained.

GMA Day.[95] Before joining ABC in 2013, Ms. Haines worked for NBC's *Today* show, beginning as a production coordinator in 2002 after completing NBC's Page Program.[96] She expanded her role at *Today* in 2008 as host of *TODAYshow.com*'s entertainment video blog *Backstage Pass*, through which she conducted celebrity interviews and offered behind-the-scenes coverage of the show. At ABC, she served as a network correspondent and pop news anchor for the weekend editions of *Good Morning America*, before transitioning to *The View*. Ms. Haines holds a Bachelor of Arts in government from Smith College.[97]

- Sunny Hostin, an attorney and investigative journalist, has been a co-host of *The View* since 2016. Before her television career, Ms. Hostin worked as an appellate law clerk to Chief Judge of the Maryland Court of Appeals Robert M. Bell.[98] Later, she joined the Department of Justice's antitrust unit under President Bill Clinton. Ms. Hostin also served as an assistant United States attorney specializing in child sex crimes under Attorney General Janet Reno, from whom she received a Special Achievement Award.[99] Moving into private practice, Ms. Hostin served as a Managing Director of Business Intelligence and Investigations at Kroll.[100] She subsequently built a prominent media presence, appearing weekly on the "Is It Legal?" segment of Fox News' *The O'Reilly Factor* and serving as a host and legal analyst at CNN. Ms. Hostin has also filled in as co-anchor for ABC News' *World News Now* and *America This Morning*.[101] She holds a degree in Communications from Binghamton University and a Juris Doctorate from Notre Dame Law School.

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[95] Hilary Lewis, *It's Official: Sara Haines Joins 'The View' as Season 20 Co-Host*, The Hollywood Reporter (Aug. 3, 2016), https://www.hollywoodreporter.com/news/general-news/sara-haines-joins-view-as-916914; Meaghan Darwish, *Why Was 'Strahan, Sara, and Keke' Canceled at ABC?*, TVInsider (Aug. 4, 2020), https://www.tvinsider.com/944258/strahan-sara-keke-canceled-abc.

[96] Sara Haines, ABC.com, https://abc.com/cast/59670fc4-d5a9-4101-96bd-7a83d68dbed8 (last visited Apr. 25, 2026) (cast biography).

[97] *Id*.

[98] Laurie Yarnell, *The View's Sunny Hostin Talks Life On and Off the Camera*, Westchester (Sept. 24, 2018), https://westchestermagazine.com/things-to-do/the-view-sunny-hostin-interview.

[99] *Breaking News, Everyone's Watching Sunny Hostin*, Executive Woman Media (Jan. 7, 2015), https://www.executivewomanmedia.com/breaking-news-everyones-watching-sunny-hostin.

[100] About Sunny, Sunny Hostin, https://sunnyhostin.com/abou/ (last visited Apr. 25, 2026).

[101] Sunny Hostin, The State University of New York, https://www.suny.edu/events/eop/sunny-hostin/ (last visited Apr. 25, 2026).

- Ana Navarro joined *The View* as a co-host in 2022, having previously appeared as a guest co-host on several occasions in 2013 and 2018.[102] Ms. Navarro is a Republican political strategist and senior political commentator on CNN. She has advised numerous federal and state campaigns in Florida and nationally. She subsequently worked on Governor Jeb Bush's transition team and served as his first Director of Immigration Policy. Ms. Navarro served as the National Hispanic co-chair and a national surrogate for John McCain's 2008 presidential campaign.[103] She also briefly held the same role for Governor Jon Huntsman's 2012 presidential campaign.[104] She self-identifies as a "lifelong Republican," "a centrist,"[105] and has credited President Ronald Reagan's support for the anticommunist rebels in Nicaragua as her inspiration for becoming a Republican. Ms. Navarro holds a Bachelor in Arts with Majors in Latin American Studies and Political Science from the University of Miami and a Juris Doctorate degree from St. Thomas University.[106]

While *The View* is known for engaging and entertaining banter between its co-hosts, the program also has been widely recognized for the journalistic impact of its content—particularly its interviews with newsmakers, including political candidates. Among its dozens of awards and nominations over the years, *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences and, in 2024, the program received the prestigious DuPont-Columbia Award for journalism.

Brian Teta is currently the Executive Producer of *The View*. Teta, a highly experienced television producer, joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017. Teta reports to Almin Karamehmedovic, the President of ABC News. As

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[102] Ana Navarro, ABC.com, https://abc.com/cast/8b1e427a-f54f-40a8-91f2-0cbd48dd347c (last visited Apr. 25, 2026) (cast biography).

[103] Ana Navarro-Cárdenas, Carnegie Corporation of New York, https://www.carnegie.org/awards/honoree/ana-navarro-cardenas (last visited Apr. 25, 2026).

[104] Navarro, ABC cast biography, *supra* note 102 .

[105] Ana Navarro, *Ana Navarro: Why I'm voting for Andrew Gillum (a Democrat!)*, CNN (Nov. 3, 2018), https://www.cnn.com/2018/11/02/opinions/why-im-voting-for-andrew-gillum-navarro/index.html.

[106] Ana Navarro, Harvard Kennedy School Institute of Politics (2013), https://iop.harvard.edu/fellows/ana-navarro.

Executive Producer, Teta is responsible for and is the final decision maker with respect to all aspects of the production of *The View*, including the format, content, and participants of the program.[107]

Interview subjects are selected and invited though a booking process overseen by the Executive Producer. The Executive Producer holds a twice-weekly meeting with *The View*'s booking staff to discuss and select potential guests. *The View*'s booking staff generally make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely "pitch" potential guests (e.g., book authors) to *The View*'s booking staff. *The View*'s co-hosts also suggest potential guests. Importantly, however, while he receives this input, the Executive Producer is the sole decisionmaker with respect to the selection of interviewees. He selects potential interview subjects based on newsworthiness, anticipated audience interest, and their potential to "make news" on the show.[108]

After potential interview subjects are selected by the Executive Producer, *The View*'s booking staff contacts the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff will describe in general terms the topics they expect will be covered in the interview. Interview guests are not provided with any guarantees as to what content will be covered or included in the broadcast of the program. Interview guests who agree to appear on the program are scheduled based primarily on the guests' availability and the overall balance of each day's program.[109]

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[107] Declaration of Brian Teta ("Teta Declaration") ¶ 8.

[108] *Id.* ¶ 20.

[109] *Id.* ¶ 27.

Once a guest agrees to appear on the program, a segment producer prepares an outline of potential interview questions. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and the "pre-interview" conducted by the segment producer with the guest and/or the guest's representatives. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC personnel. Final review and approval of the interview outline is conducted by the Executive Producer. Interview guests do not review, edit, or approve the interview outline and are not provided with interview questions in advance of the interview.[110]

The View's co-hosts conduct guest interviews based on the interview outline approved by the Executive Producer, although they may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview (and, at all times during the interview, the show's producers can communicate directions to the co-hosts as needed). While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast. Indeed, most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards. Interview subjects are not given any option to edit or otherwise control the broadcast of the interview, and do not see the final interview until it airs.[111]

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[110] *Id.* ¶ 30.

[111] *Id.* ¶ 33.

B. *The View* Was Properly Determined to Be a Bona Fide News Interview Program in 2002.

Following the Commission's long-established three-part test, the Bureau concluded in 2002 that *The View* is exempt from Section 315(a) of the Act as a bona fide news interview program.[112] That determination has remained unchallenged and unchanged since that time and, to this day, *The View* remains fully qualified for the exemption under the applicable legal standards.

On October 20, 2000, ABC filed a petition for declaratory ruling (the "Petition") with the Commission requesting that the Commission's Mass Media Bureau issue a declaratory ruling that *The View* is a bona fide news interview program and thus exempt from the equal opportunities provision of Section 315(a) of the Act.[113] In the Petition, ABC explained that *The View* planned to invite additional political candidates to appear on the program and thus sought the Commission's formal assurance that the equal opportunities requirements did not apply to *The View*.[114]

The Petition explained that *The View* was co-produced by the ABC Television Network (owned and operated by ABC) and BarWall Productions[115] and described the content and format of *The View*. In addition, the Petition detailed how *The View* satisfied each of the Commission's criteria for exemption as a bona fide news interview program. In addressing the established

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[112] Letter from Robert Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC, to ABC, Inc. (Mar. 1, 2002) ("2002 Declaratory Ruling").

[113] Letter from ABC, Inc., to Bobby Baker, Chief, Office of Political Programming, Policy and Rules Division, Mass Media Bureau, FCC (Oct. 20, 2000) (the "Petition").

[114] *Id.*

[115] BarWall Productions is a production company co-founded by Barbara Walters and Bill Geddie.

three-part test for the exemption, ABC first showed that *The View* was regularly scheduled. Second, ABC demonstrated that *The View* was exclusively controlled by its producers and that the producers decided the program's format, content and participants for each segment of the program. Finally, ABC stated that programming decisions were based solely on the producers' good faith judgments regarding newsworthiness and viewer preferences and not for the purpose of supporting or opposing a particular candidate or for any other partisan purpose.[116]

By letter ruling dated March 1, 2002, the Mass Media Bureau granted the Petition without qualification, stating "[b]ased on the record before us, we conclude that the program '*The View*' qualifies for the *bona fide* news interview exemption under Section 315(a)(2)."[117] Accordingly, every appearance by every legally qualified candidate on *The View* since March 1, 2002, (including the Talarico appearance) has been in accordance with a valid and effective formal determination that *The View* qualifies for the bona fide news interview exemption under Section 315(a)(2).[118] Such appearances thus are not deemed to be "uses" of KTRK or any other station. Given that KTRK Television and many other licensees acted in good faith reliance on the explicit ruling provided by the Mass Media Bureau in 2002 and the consistent guidance provided by the Commission since 1984, the Commission cannot find that KTRK Television, or

[116] Petition.

[117] 2002 Declaratory Ruling.

[118] Even if ABC had not sought and received a formal determination, *The View*, since its inception, has fully qualified for exemption under all of the long-standing criteria for bona fide news interview programs and, as previously noted, the Commission has previously stated that no prior formal declaration is required for a bona fide news exemption to apply. *See Infinity Declaratory Ruling*, 18 FCC Rcd at 18604.

any other licensee, violated any of the Commission's rules with respect to appearances by legally qualified candidates on *The View*.[119]

C. *The View* Remains a Bona Fide News Interview Program Today.

In the 24 years since the Commission issued the 2002 Declaratory Ruling, the format and production processes of *The View* that were previously reviewed have remained the same, notwithstanding changes in hosts and staffing. *The View* continues to meet all three of the factors considered by the Commission in determining whether a program qualifies for the bona fide news interview exemption under Section 315(a)(2): (1) it is regularly scheduled, (2) ABC, through the program's Executive Producer, controls the program, and (3) decisions on format, content, and participants are based on newsworthiness rather than on an intention to advance or harm any individual's candidacy.

i. *The View* is regularly scheduled and is in the same timeslot since it first aired in 1997.

The View has been a regularly scheduled part of ABC Network programming for almost 30 years. Since August 1997, *The View* has been broadcast on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). Over its entire history, *The View* has consistently maintained its 11:00 am ET weekday timeslot. The program takes an annual summer production break for the month of August, during which the ABC Network airs "encore" episodes (*i.e.*, previously aired episodes of *The View*). The show generally resumes production at the end of

[119] *Star Wireless, LLC v. FCC*, 522 F.3d 469, 473 (D.C. Cir. 2008) (cleaned up) (citation omitted) ("In assessing forfeitures against regulated entities, the Commission is required to provide 'adequate notice of the substance of the rule.' The court must consider 'whether by reviewing the regulation and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.'").

August, and a new season begins the Tuesday after Labor Day. ABC Network intends to maintain this schedule.[120]

ii. ABC continues to control the format, content and participants of *The View*.

As was the case in 2002, *The View* continues to be produced by the ABC Television Network. In this capacity, ABC has ultimate control over all aspects of *The View*, including its format, content and participants.[121] Day-to-day control over *The View* is exercised by the program's Executive Producer who reports to the President of ABC News, which is a division of the ABC Television Network. *The View*'s format, first established by Walters and Geddie, has remained fundamentally unchanged throughout its history. The Executive Producer, and the producers, hosts, and production staff under his supervision, decide the program's content, as well as the participants for each program segment.[122]

The show's production processes ensure that ABC (through the show's Executive Producer and production staff) maintains control over all aspects of the program. With respect to interviews included in the program in particular, as described herein, the Executive Producer and the production staff under his direction control all aspects of the selection of potential interview subjects and the questions asked during interviews in accordance with ABC News standards and practices. The Executive Producer has final review and approval authority over this process. The production process is designed to mitigate the possibility that a candidate can usurp the

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[120] Teta Declaration ¶ 12.

[121] BarWall Productions continues to be credited as a co-producer of the show but, subsequent to Ms. Walter's retirement in 2014 and death in 2022, ABC exercises sole and exclusive responsibility and control over the production.

[122] *Id.* ¶¶ 8, 17.

functions of the program for his or her own purposes or use *The View* as a soapbox.[123] Once taped, the Executive Producer oversees the production process, and interviewees are not provided any opportunity to influence or affect the content of their interview prior to airing during the scheduled timeslot.[124]

iii. Newsworthiness is, as it always has been, the lodestar of programming decisions on *The View*.

The Executive Producer of *The View* bases all decisions related to the format, content, and participants, including interviews of political candidates and other newsmakers, on the good faith judgments of newsworthiness and audience interest and not for the purpose of supporting or opposing any particular candidate or for any other partisan purpose.[125]

It is in ABC's interest to book guests on *The View* who are in the news and who will generate interest among its audience members. Over the past ten years alone, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on *The View*, providing the public with a broad variety of views. Of course, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear. Over the past two seasons, for example, producers have extended

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[123] *Id.* ¶ 17. As explained above, the seasoned co-hosts of *The View* follow the interview outlines approved by the Executive Producer. While they may deviate from the outline at times, they rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, co-hosts wear earpieces as they conduct interviews that allow producers to communicate directions to the co-hosts during the interviews as needed.

[124] The results speak for themselves. *See e.g.*, David Rutz, *Kamala Harris' bungled answer on 'The View' about Biden seen as turning point in campaign*, Fox News (Nov. 7, 2024), https://www.foxnews.com/media/kamala-harris-bungled-answer-the-view-about-biden-seen-turning-point-campaign.

[125] Teta Declaration ¶ 20.

invitations to JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio, each of whom declined the invitation to appear on the program.[126] The critical consideration, however, is not whether the program achieves some government-approved roster of participants but the fact that that the producers' decisions are not motivated by partisan purposes and are instead motivated by the desire to interview the most newsworthy and impactful guests.

The February 2, 2026, appearance of Texas primary candidate for Senate James Talarico is a prime example of *The View*'s pursuit of newsworthy material. Following Representative Jasmine Crockett's January 6, 2026, appearance on *The View*, co-hosts Farah Griffin and Goldberg both suggested to Teta that Talarico, Crockett's leading opponent in the Texas Democratic Primary for United States Senate, should be a potential interview guest. Talarico's candidacy at the time was gaining national attention, including on social media, which informed Teta's judgment that Talarico was a newsworthy subject.[127]

A booking staff member on *The View* reached out to Talarico's campaign with an invitation to appear on the program. After Talarico's campaign accepted the invitation, one of *The View*'s veteran producers (who came to *The View* following stints with *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with the program's standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC personnel before being finally reviewed and approved by Teta. Neither the interview outline nor any of the questions were provided to Talarico or his representatives prior to the interview, the

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[126] *Id.* ¶ 26.

[127] *Id.* ¶ 37. As *The View* is an exempt bona fide news interview program, Talarico's appearance was not made in accordance with any request by the Talarico campaign for "equal time" resulting from Crockett's appearance on *The View* or out of any consideration that he might be entitled to such "equal time."

producers provided no assurances to Talarico or his representatives as to the content of the program, and neither Talarico nor his representatives were provided any opportunity to suggest edits or view the final interview before it aired.[128] Thus, as with all candidate appearances on *The View*, Talarico's appearance was under the control of ABC through the program's Executive Producer and his team. The decision to include Talarico was driven by considerations of newsworthiness and audience interest and not an intent to advance his candidacy.

As that demonstrates, *The View*'s ability to rely on the bona fide news exemption to select interview candidates based on newsworthiness, as it has for over two decades, has advanced Congress's goal of facilitating political discourse on the airwaves. Of course, that may not always mean that *The View* may achieve the Commission's preferred complement of guests or particular views (although, as noted above, any list of interviewees on *The View* would not reflect individuals who have been invited by the producers but declined to appear). But the Commission has expressly disavowed efforts to "second guess broadcasters about the relative newsworthiness of the interviewees or the topics of discussion"[129]—as it must since any effort to evaluate the qualification of *The View* as a bona fide news interview program that centered on the identity of the guests that appeared on the program or the views they expressed would be at odds with Congress's decision to exempt bona fide news interview programs from any equal opportunities rule (not to mention the First Amendment). After all, if a program had to provide equal opportunities to qualify for the exemption, then the exemption would be left with no work to do. *The View* thus readily qualifies for the bona fide news exemption, as the Commission has recognized for decades.

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[128] *Id.* ¶¶ 40-41.

[129] *ABC Declaratory Ruling*, 15 FCC Rcd at 1358.

IV. SUBJECTING *THE VIEW* TO THE EQUAL OPPORTUNITIES RULE WOULD VIOLATE THE FIRST AMENDMENT.

A. The Equal Opportunities Rule Cannot Be Applied to *The View* Consistent with the First Amendment.

Even if the bona fide news interview exemption were not broad enough to cover *The View*, the Commission could not apply the equal opportunities rule to *The View* consistent with the First Amendment. While *Red Lion* held the "personal attack" and "political editorial" rules constitutional, this petition involves "a different statute" at "a different point in the development" of broadcast regulation, which suffices to merit "plenary consideration" of this "substantial First Amendment challenge."[130] And, as explained, whatever may be said of the rule at its inception, at this point in time it is fundamentally incompatible with bedrock First Amendment principles.[131] If the rule applied here, it would seemingly require every station broadcasting *The View* to provide airtime to every legally qualified candidate running for office in a particular race in their service areas, without regard to the newsworthiness of the candidate. In large races, like this year's California open gubernatorial primary, this could mean the difference between interviewing the leading candidates in a tight race, or interviewing no candidates at all because fulfilling dozens of demands for free time would overburden the local stations airing *The View*. This "chilling" effect is exactly the result Congress sought to avoid when it adopted the bona fide news exemption.[132] But to the extent Congress failed to provide an exemption broad enough to avoid that result, the rule cannot survive.

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[130] *McCutcheon v. FEC*, 572 U.S. 185, 203 (2014).

[131] *See supra* Part II.

[132] *See supra* note 55 and accompanying text.

In fact, interpreting the bona fide news interview program exemption to exclude shows like *The View* would exacerbate the constitutional problems with the statutory scheme. Treating *The View* differently from other types of exempt programming is both a content and speaker-based distinction. If the exemption is understood to cover only a small universe of purportedly "neutral" and "newsworthy" broadcasts, wide swaths of programming—perhaps even all programs whose format diverges from the *Meet the Press* format referenced by the 1959 Congress that enacted the exemptions—will be penalized based on nothing more than the content and viewpoint of their speech.

Given the inherent value-laden judgments that the FCC must make when determining whether a particular program is newsworthy, the risk that the FCC will use its authority to suppress disfavored content and viewpoints is overwhelming. What is newsworthy to today's FCC may not be newsworthy to the FCC in the next Administration. "It is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual."[133] That caution carries special weight here, given that the Administration has been open about its disapproval of the viewpoints expressed on *The View*.[134] But the government has no legitimate interest in declaring some viewpoints more worthy than others. The bona fide news exemptions would fail any form of

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[133] *Cohen v. California*, 403 U.S. 15, 25 (1971); *cf. Minnesota Voters All. v. Mansky*, 585 U.S. 1, 21-22 (2018) (enforcement of ban on "political" attire in polling places "must be guided by objective, workable standards" because, "[w]ithout them, an election judge's own politics may shape his views on what counts as 'political'").

[134] *See, e.g.*, Dominick Mastrangelo, *White House targets 'The View,' Joy Behar over Trump criticism*, The Hill (July 24, 2025), https://thehill.com/homenews/media/5418270-white-house-the-view-joy-behar-trump-criticism; Sean Burch, *FCC Chairman Bashes 'The View,' Suggests Show Could Have 'Issues'*, The Wrap (July 24, 2025), https://www.thewrap.com/fcc-chairman-bashes-the-view-trump-issues; Joey Nolfi, *White House rips The View cohosts as 'Trump-deranged wackos' over reaction to Jeffrey Epstein files*, Entertainment Weekly (Nov. 20, 2025), https://ew.com/white-house-responds-the-view-jeffrey-epstein-files-11853293.

heightened scrutiny if not construed, consistent with decades of Commission practice, to apply to *The View*. That is all the more reason to conclude that *The View* qualifies for the exemption. But ultimately it does not matter, as the Commission could not subject *The View* to the equal opportunities rule consistent with the First Amendment anyway.

B. This Proceeding is Independently Barred by the First Amendment to the Extent it is Based on the Viewpoints Expressed on *The View*.

Even assuming the equal opportunities rule and its exemptions passed First Amendment muster (they do not), any effort to apply it here would violate the First Amendment to the extent adverse action is a response to the viewpoints expressed on *The View*. The Commission may not wield its enforcement authority "in order to punish or suppress [ABC's] protected expression."[135] The Commission's actions must be based on an objective application of the law and cannot be a response to disfavored content.

"If a coercive campaign is carried out with enough sophistication," it can be difficult to establish that a government official has wielded authority to punish or suppress disfavored speech.[136] In this instance, however, it is not so difficult. Although the *Public Notice* and the SLOI ostensibly avoid commenting on specific content, they both heavily emphasize concerns over the potential partisan purposes of programs.[137] At the same time, numerous statements by senior government officials have singled out *The View* for its allegedly partisan perspective.[138]

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[135] *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 196 (2024).

[136] *Murthy v. Missouri*, 603 U.S. 43, 80 (2024) (Alito, J., dissenting).

[137] *Public Notice* at 1, 3-4.

[138] *See, e.g.*, *NEWS OR NOT? 'The View' under SCRUTINY as FCC Chair Says 'Fake News' Won't Qualify for Exemption*, Fox Business, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=nUTgkRmtlpA&t=269s (statement of FCC Chairman Carr at 5:40-5:51); *FCC chief: These days are OVER*, Fox News Channel, YouTube (Feb. 2026), https://www.youtube.com/-watch?v=gAwYshMVEzw (statement of Chairman Carr at 6:05).

Those statements highlight the dangers of viewpoint-based targeting inherent in giving government functionaries the power to decide which "ideas and beliefs [are] deserving of expression [and] consideration,"[139] *i.e.*, what is "newsworthy." Of course, government officials are free to express their own views about *The View*. But they cannot utilize the coercive powers of the state to punish viewpoints with which they disagree.

Meanwhile, even as the Commission opens formal investigations into *The View*, it has declined to scrutinize other programs or formats, like talk radio. The *Public Notice* was addressed exclusively to daytime and late night talk shows on television, ignoring the landscape of avowedly partisan talk radio shows. It is noteworthy that many stations in KTRK's market aired interviews with select candidates prior to the recent primary election without provoking any apparent interest or inquiries from the Commission.

For example, both KTBB 97.5 FM, Troup, Texas, and WBAP 820 AM, Fort Worth, Texas, air *The Mark Levin Show*, which, on February 16, 2026, featured an interview with Dan Patrick, who is running for re-election for Lieutenant Governor, although neither KTBB nor WBAP has uploaded any documents concerning Patrick's appearance into their 2026 online public inspection files.[140] Similarly, KPRC 950 AM, Houston, Texas, broadcast an interview with Texas Attorney General primary candidate Chip Roy as part of *The Glenn Beck Program* on

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[139] *Turner Broad. Sys.*, 512 U.S. at 641.

[140] *Program Schedules*, KTBB, https://ktbb.com/skeds.php (last visited May 7, 2026); *Weekday Schedule*, WBAP, https://www.wbap.com/weekday-schedule (last visited May 7, 2026); *2/16/26 - Criminalizing Criticism: The Implications of Virginia's Islamophobia Legislation*, Mark Levin Podcast (Feb. 17, 2026), https://podcasts.apple.com/nz/podcast/2-16-26-criminalizing-criticism-the-implications/id209377688?i=1000750065366. *See also* Dan Patrick, Facebook (Feb. 17, 2026), https://www.facebook.com/100044482297495/posts/1469394397886623/?mibextid=wwXIfr&rdid=7s8v5qEcoqrHZAiB# (posting link to *The Mark Levin Show* appearance from Feb. 16, 2026) ("I joined Mark Levin, one of my favorite Fox hosts, on his radio show last night. He surprised me with his endorsement live on the air. It's a great honor to have his support.").

February 18, 2026, without including any documentation of the appearance in its public inspection files.[141] Chip Roy also appeared on the *Guy Benson Show* on February 11, 2026, which airs on several Texas radio stations, including KSEV 700 AM, Tomball, Texas.[142] KSEV (which is owned by Texas Lt. Governor Dan Patrick) likewise did not place any information about this appearance in its public inspection files. While *The Mark Levin Show*, *The Glenn Beck Program*, and the *Guy Benson Show* are all popular, long running radio talk shows, there is no indication that any of them has ever received a Declaratory Ruling that it is a bona fide news interview program.

And yet, the Commission has not made any public announcements that it is investigating *The Mark Levin Show*, *The Glenn Beck Program*, the *Guy Benson Show*, or the licensees of KTBB, WBAP, KPRC, or KSEV. Nor should it. But such a clear disparity in the treatment of broadcasters that ought to be subject to the same treatment under law raises serious concerns about viewpoint discrimination and retaliatory targeting.

To be clear, the Bureau's change in policy and apparent focus on the viewpoints presented in a particular program harms not just ABC's First Amendment rights, but the First Amendment rights of all broadcasters, regardless of their perceived viewpoints. Commentators across the political spectrum have warned about the danger of using the power and influence of the federal government to suppress disfavored views. Indeed, a broad range of voices have begun sounding the alarm that any adverse actions by the FCC will be used by future

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[141] *The Glenn Beck Program*, KPRC, https://kprcradio.iheart.com/featured/glenn-beck (last visited May 7, 2026); *The Glenn Beck Program*, Glenn Beck, https://glennbeck.com/-listen/series/the-glenn-beck-program (last visited May 7, 2026) (program webpage).

[142] *Guy Benson Show*, KSEV, https://ksevradio.com/guy-benson-show (last visited May 7, 2026); *'IT'S ABOUT THEIR POWER': Rep. Chip Roy Breaks down the SAVE America Act*, Fox News Radio (Feb. 11, 2026), https://radio.foxnews.com/2026/02/11/rep-chip-roy-save-america-act.

administrations to censor and punish speech they dislike.[143] Simply put (by Senator Ted Cruz), using the threat of FCC action to chill speech is "dangerous as hell."[144] Similarly, commentator Ben Shapiro opined:

> I do not want the FCC in the business of telling local affiliates that their licenses will be removed if they broadcast material that the FCC deems to be false. Why? Because one day the shoe will be on the other foot. … I know that a lot of people on the Right are saying, "The shoe will never be on the other foot, and if it is, the Left will just do it anyway." But preemptively breaking things because you believe that the Left is going to break the things still makes the things broken — and you can't unbreak them.[145]

The equal opportunities rule has always imposed a suspect First Amendment burden on broadcasters. While the Commission put off a reckoning of that burden for decades through judicious application of the bona fide news exemptions, this case illustrates that the fundamental conflicts remain. In short, for several independent reasons, the First Amendment does not permit the Commission's threatened application of Section 315(a) to *The View*.

V. CONCLUSION.

ABC is committed to full compliance with the Communications Act and the Commission's rules. ABC is likewise committed to serving the public interest by bringing impactful and engaging news and entertainment programming to the communities it serves. That is why ABC sought—and received—a formal determination from the Commission that *The View* is a bona fide news interview program nearly 25 years ago. Even if it had not done so, however,

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[143] *See* Stephen Battaglio, *FCC chair's call for 'equal time' could have chilling effect on TV and radio*, L.A. Times (Jan. 23, 2026), https://www.latimes.com/entertainment-arts/business/story/-2026-01-23/fcc-chairs-call-for-equal-time-could-have-chilling-effect-on-tv-radio (quoting Sean Hannity as stating "We need less government regulation and more freedom. Let the American people decide where to get their information from without any government interference.").

[144] Koch, *Cruz Warns Conservatives*, *supra* note 6.

[145] Shapiro, *Glad Kimmel's Gone*, *supra* note 6.

The View currently qualifies as a bona fide news interview program because it manifestly meets every one of the three factors the Commission and Congress established.

The View, and other shows like it, support the public interest, as Congress envisioned when it adopted the bona fide news exemptions. This goal—giving the public the broadest access to news about political races by permitting broadcasters to cover political news without fear of sanction—is especially critical today. As the 2026 election approaches, the American people need more access to political news and more exposure to political candidates, not less. It is therefore imperative that the Commission act quickly to assure broadcasters that it will uphold its long-established standards protecting broadcasters' good faith news judgment in including political candidates in bona fide news programming. To do anything else—on the eve of an election cycle—would compound the uncertainty and resulting First Amendment chill that the Commission's recent actions have engendered. ABC therefore respectfully requests that the Commission expeditiously affirm that *The View* continues to qualify for the bona fide news interview exemption under Section 315(a).

Respectfully submitted,

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May 7, 2026

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
KTRK Television, Inc. and	)	Docket No. _____
American Broadcasting Companies, Inc.	)	
	)	
Petition for Declaratory Ruling Under Section 315(a) of the Communications Act of 1934, as Amended	)	
	)	

DECLARATION OF BRIAN TETA

I, Brian Teta, declare as follows:

1. I am the Executive Producer of *The View*.

2. I have worked as a television producer since 1998.

3. I joined *The View* in 2015 as co-Executive Producer and was named Executive Producer in 2017.

4. Prior to working on *The View*, I was a producer for several other shows, including *The Late Show with David Letterman*, where I was responsible for booking guests for interviews.

5. I am an employee of the ABC News division of American Broadcasting Companies, Inc.

6. I report directly to Almin Karamehmedovic, the President of ABC News.

7. As Executive Producer, I oversee all aspects of the production of *The View* and I am the direct or indirect supervisor of all personnel who work on *The View*, including its producers and co-hosts.

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8. With respect to the day-to-day operations of *The View*, I am the final decision maker for all aspects of the production of *The View*, including the format, content, and participants of the program.

9. *The View* is an ABC Television Network program that has regularly aired since August 1997.

10. The general format of *The View* is a live, one-hour talk show with a panel of women of different backgrounds discussing news, politics, entertainment, popular culture, and social issues. Each episode includes the panel's discussion of the day's "hot topics," along with interviews with newsmakers conducted by the co-hosts.

11. *The View* currently is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.

12. *The View* is broadcast by the ABC Network on weekdays, Monday to Friday, from 11:00 a.m. to 12:00 p.m. (EST). It has maintained this scheduling since its premiere. There are no plans to change this scheduling.

13. Most regular season episodes of *The View* are aired live on eastern time zone stations, with a five second delay to help ensure compliance with broadcast standards.

14. The program takes an annual summer production break for the month of August, during which the ABC Network broadcasts selected previously aired episodes of the program. *The View* generally resumes production at the end of August, and a new season begins the Tuesday after Labor Day.

15. *The View* has received more than 30 Daytime Emmy Awards from the National Academy of Television Arts and Sciences.

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16. In 2024, *The View* received the DuPont-Columbia Award for journalism for its contributions to the ABC News team's report entitled "The Power of Water."

17. The production process by which interviews are conducted on *The View* is designed to help ensure that I, and the producers, production staff, and co-hosts under my supervision, maintain control over the content of the program in accordance with ABC News standards.

18. Interview subjects for *The View* are selected and invited though a booking process, which I oversee. I hold a twice-weekly meeting with the producers that constitute *The View*'s booking staff to discuss and select potential guests.

19. *The View*'s booking staff make suggestions for interview subjects based on current events in news, entertainment, popular culture, and politics. Publicists and other outside public relations professionals routinely contact *The View*'s booking staff to advocate for the inclusion of their clients (often, book authors with a new book to promote). *The View*'s co-hosts also may suggest potential guests.

20. Based on information provided to me and my own experience and knowledge of television production, I select potential interview subjects on the basis of newsworthiness, anticipated audience interest, and the potential to generate newsworthy programming content.

21. I am the sole decisionmaker with respect to the selection of interviewees.

22. I do not select potential interview subjects with the intent to advance or harm any individual's candidacy for any office or any other partisan purpose.

23. After I select potential interview subjects, I communicate those selections to *The View's* booking staff.

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24. The booking staff is responsible for contacting the interview subjects or their representatives to issue the invitation and discuss scheduling. As part of the booking process, the booking staff are instructed to describe in general terms the topics they expect will be covered in the interview. Booking staff do not provide potential interview guests with any guarantees as to what content will be covered or included in the broadcast of the program.

25. During my time with *The View*, hundreds of elected officials, political candidates, and political commentators from various parties have appeared on the program.

26. Some individuals that are invited to appear on the program decline the invitation. Over the past two years, individuals that have been invited onto the program but declined the invitation included JD Vance, Robert F. Kennedy, Jr., Lindsey Graham, Josh Hawley, Elon Musk, Kevin McCarthy, and Marco Rubio.

27. Booking staff schedule the interview guests who agree to appear on the program based primarily on the guests' availability and the overall balance of each day's program.

28. Once a guest agrees to appear on the program, one of *The View*'s producers prepares an outline of potential interview questions. That segment producer generally conducts a "pre-interview" meeting with the guest or the guest's representatives to discuss the interview, including the general topics that may be covered. The interview outline generally is based on research provided to the segment producer by *The View*'s staff and information obtained through the "pre-interview."

29. The interview outline is reviewed and edited by *The View*'s co-hosts and may be further reviewed and edited by other ABC News personnel.

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30. All interview outlines are finally reviewed and approved by me. Interview guests do not review, edit, or approve the interview outline and are not provided with the interview questions in advance of the interview.

31. *The View*'s co-hosts conduct guest interviews based on the interview outlines that I approve. The interviews may deviate from the outline during the course of the interview, particularly based on the guest's responses and the co-hosts' or the audience's reactions. The co-hosts rely on their experience and judgment to ensure that they, rather than the interview subjects, manage the conduct and flow of each interview. In addition, the co-hosts wear in-ear monitors that allow me and other producers to communicate directions to the co-hosts during the interviews as needed. In most cases, I am on set to observe and oversee the interviews.

32. While some interview segments are recorded prior to broadcast, most interviews are conducted before a studio audience and typically are not edited prior to broadcast.

33. Interview subjects are not given any option to edit or otherwise influence or control the broadcast of the interview, and do not see the final interview until it airs.

34. Texas primary candidate for Senate Jasmine Crockett appeared on *The View* on January 6, 2026.

35. Texas primary candidate for Senate James Talarico appeared on *The View* on February 2, 2026.

36. After Ms. Crockett's appearance on the program, *The View* co-hosts Farah Griffin and Goldberg suggested to me that Mr. Talarico should be a potential interview guest.

37. In deciding whether to invite Mr. Talarico to appear on *The View*, I considered the facts that, at that time, Talarico's campaign had been receiving national attention and that Talarico had gained a significant following on social media. These factors, along with the newsworthiness

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of the Texas senate primary elections and potential audience interest in Mr. Talarico, informed my judgment that Mr. Talarico was a newsworthy subject. My decision to invite Mr. Talarico to appear on the program was not motivated by any intent to advance or harm any individual's candidacy.

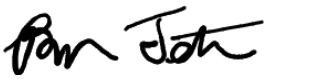
38. A booking staff member on *The View* issued an invitation to the Talarico campaign for Talarico to be interviewed on the program.

39. After the Talarico's campaign accepted the invitation, one of *The View*'s producers (who previously worked for *Yahoo News with Katie Couric* and *Good Morning America*) prepared the interview outline in accordance with our standard processes. The interview outline was reviewed and edited by the co-hosts and other ABC News personnel before I reviewed it and gave final approval.

40. Neither I, nor any of the producers or staff under my supervision, provided the interview outline or any of the prepared questions to Mr. Talarico or his representatives prior to the interview. Neither I, nor any of the producers or staff under my supervision, provided any assurances to Mr. Talarico or his representatives as to the content of the program.

41. Neither I, nor any of the producers or staff under my supervision, provided Mr. Talarico or his representatives with any opportunity to suggest edits or view the final interview before it aired.

I declare, under penalty of perjury, that, to the best of my information, knowledge, and belief, which includes knowledge based on information provided to me by others, that the foregoing is true and correct.



Brian Teta

Executed on: May 7, 2026

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