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

In the Matter of	)	
	)	
Applications for Renewal of License of	)	
ABC Owned Television Stations	)	MB Docket No. 26-131
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OPPOSITION OF THE NATIONAL ASSOCIATION OF BROADCASTERS TO CERTAIN PETITIONS, INFORMAL OBJECTIONS, AND COMMENTS

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I. INTRODUCTION AND SUMMARY

For a broadcaster, an FCC license is far more than a regulatory authorization; it is the lifeblood of the station and the foundation upon which its service to the public rests. It is what enables a station to report the news, deliver emergency information, reflect the voices of its community, and invest in the people and programming that bind that community together. Every broadcast tower constructed, every studio built, every journalist hired, every local event covered, and every news story broadcast depends upon the stability, integrity, and predictability of the licensing framework. The chain of events from tower to story are rooted in a commitment of people and resources driven by financial commitments that can only be sustained over the long term if the licensing framework is certain, consistent and reliable. Unsettling those expectations therefore carries profound implications for broadcasters across the country and for the communities that depend upon them. The Commission should accordingly approach any request to deny, disrupt, or fundamentally alter the renewal of a broadcast license with the exceptional care and gravity that such an extraordinary step demands.

To that end, the National Association of Broadcasters (NAB)[1] urges the Commission to reject arguments advanced by filers in certain petitions to deny, informal objections and other filings[2] opposing or seeking conditions on grant of the applications for renewal of the television station licenses at issue in this proceeding (collectively, the “filers” or “renewal opponents”).[3] These factually and legally infirm filings raise issues and make arguments that impact *all* broadcast licensees, especially in light of the very public nature of this proceeding. And with radio station licenses scheduled for renewal starting in 2027 and television licenses beginning their cycle the following year, this issue is front and center for the entire industry.

Broadcast license renewal proceedings serve an important but carefully circumscribed purpose. Every eight years, the Commission reviews each station’s performance during the preceding license term to determine whether the station served the public interest, convenience, and necessity; committed any serious violation of the Communications Act or the FCC’s rules; or engaged in other violations that, taken together, constitute a pattern of abuse. The renewal inquiry is station-specific and governed by the standards Congress established in Section 309(k) of the Communications Act of 1934 (Act).

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[1] NAB is a nonprofit association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

[2] The filings are as follows: America First Legal Foundation (AFL) Petition to Deny, MB Docket No. 26-131 (June 29, 2026); Article III Project Petition to Deny, MB Docket No. 26-131 (June 23, 2026); Center for American Rights (CAR) Petition to Deny, MB Docket No. 26-131 (June 29, 2026); Fair for All (FFA) Comments, MB Docket No. 26-131 (June 29, 2026); Media Research Center (MRC) Petition to Deny, MB Docket No. 26-131 (June 29, 2026).

[3] *See Application File. Nos.* 0000298350 (Station KFSN-TV, Fresno, CA); 0000298356 (Station KABC-TV, Los Angeles, CA); 0000298344 (Station KGO-TV, San Francisco, CA); 0000298337 (Station WLS-TV, Chicago, IL); 0000298318 (Station WABC-TV, New York, NY); 0000298327 (Station WTVD, Durham, NC); 0000298324 (Station WPVI-TV, Philadelphia, PA); 0000298353 (Station KTRK-TV, Houston, TX) (Applications).

Contrary to many renewal opponents' claims, it is not designed to be an open-ended vehicle for reviewing every aspect of a licensee's or its corporate affiliates' businesses, resolving claims committed to other agencies and courts, or second-guessing constitutionally protected editorial decisions.

The filings opposing renewal of the ABC stations' licenses stray well beyond these statutory boundaries. They invite the Commission to evaluate whether and how the stations covered news and public affairs, which is precisely the type of editorial judgment protected by the First Amendment and Section 326's prohibition against censorship. Yet none of the filers makes the prima facie showing required to establish that any programming aired by the stations violated the Communications Act, the FCC's rules, or the stations' public interest obligations.

Other allegations fall outside the renewal inquiry altogether. The Commission expressly limits its consideration of non-FCC misconduct to four specific areas of *adjudicated* conduct, none of which are implicated by the renewal opponents. Additionally, Section 309(k)(1) directs the Commission to evaluate the performance of each station during its license term – not unrelated activities involving a station owner's theme parks, film and television studios, streaming platforms, or other non-station operations. Allowing such allegations to influence the renewal determination would disregard the statutory text and established Commission precedent and would transform a focused review of station performance into a wide-ranging investigation of an entire corporate enterprise, outside the FCC's jurisdiction. This is exactly what the Commission wanted to avoid when denying challenges to FOX 29 Philadelphia, WTXF-TV's renewal application just two years ago.[4]

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[4] *See* Comments of NAB and the Pennsylvania Ass'n of Broad., MB Docket No. 23-293, at 1-3 (Oct. 11, 2023) (explaining that the issues and arguments raised by the petition to deny

In addition, given comments supporting the FCC's use of its early call-in rule to trigger the instant review,[5] NAB also encourages the Commission to revisit whether this rule continues to serve any valid purpose. Importantly, the uncertainty engendered by use of early license renewals will inevitably discourage investment in the broadcast industry. Broadcasters already struggle to obtain needed investment capital for a variety of reasons, including their lack of tangible, physical collateral, given that their primary assets are government licenses that must be periodically renewed. Even a limited number of early license call-ins will appear to investors and lenders as undermining the stability of those broadcast industry assets necessary for all stations to remain functioning businesses. While in the past the Commission utilized early license call-ins in connection with comparative hearings for licenses, that use is no longer relevant because comparative hearings generally and comparative renewals specifically were eliminated in the 1990s. No license had been called for early renewal since 1972, demonstrating that this procedure is unnecessary to ensure effective enforcement of and broadcaster compliance with FCC rules. For these reasons, the FCC should reconsider its use of the rule in this instance and consider eliminating the rule altogether.

In short, NAB urges the Commission to apply existing FCC precedent and the governing constitutional and statutory limits and to focus the proceeding on the question Congress made dispositive: whether each station served the viewing public in its community over the term of its license. Expanding the inquiry beyond those limits would not merely distort these proceedings; it would invite similarly unfounded challenges to broadcast

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WTXF's renewal application concerned all broadcast licensees, which depend on timely renewal of their licenses, and urging FCC to reject the petition's attempt to rely on the programming of a national cable channel to challenge the license of a local TV station).

[5] *See The Walt Disney Co., et al*., Order, DA 26-416 (Media Bureau Apr. 28, 2026).

renewals across the industry, imposing substantial burdens on stations that devote themselves every day to serving their local communities.

II. RENEWAL OPPONENTS COMPLAIN OF CONDUCT THAT IS NOT PROPERLY CONSIDERED IN A RENEWAL PROCEEDING

A. Under Applicable Constitutional and Statutory Standards, the Commission Defers to the Judgment of Licensees About Programming Content

Certain renewal opponents assert that the ABC stations' programming is politically biased.[6] At the outset, NAB observes that their filings do not meet the statutory standards for petitions to deny. A petition to deny is required to contain "specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent" with Section 309(k) of the Act.[7] Such allegations of fact "shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof."[8] Renewal opponents making allegations concerning programming in this proceeding do not meet this standard, and the Commission should treat these filings as informal objections under the FCC's rules.[9]

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[6] CAR Petition at 5-31; MRC Petition.

[7] 47 U.S.C. § 309(d)(1).

[8] *Id.*

[9] *See*, *e.g.*, MRC Exhibits 2-8 (providing deficient affidavits that fail to establish that the affiants have ever watched any programming on any of the stations that are the subject of this proceeding or describe a single program of concern to them as a viewer of the stations). While CAR requests that its filing be considered an informal objection with respect to six of the eight stations at issue in this renewal proceeding, the supporting affidavits for the remaining two stations are never cited in its filing, and the filing otherwise contains no specific allegations of fact supported with an affidavit from a person with knowledge of those facts, as required by Section 309(d) of the Act. Furthermore, while they do not focus primarily on programming issues, we note that certain other renewal opponents' pleadings do not contain specific allegations of fact supported by affidavits. *See* Article III Project Petition; FFA Comments. The Article III Project Petition does not contain *any* affidavits. Relatedly, the Article II Project, CAR, MRC and FFA filings do not include proof of service to the licensees. These submissions should be treated as informal objections.

Even if the filers had met the statutory requirements described above, they would still have failed to make a prima facie case that grant of ABC's renewal applications would be inconsistent with the public interest.[10] For example, certain filers impermissibly raised issues that occurred before the current license term.[11] They also have not advanced any legal basis for their proposed "alternatives" to designating the Applications for hearing, all of which are patently beyond the FCC's authority and contrary to the First Amendment and the Communications Act.[12] The Supreme Court would find these alternatives unconstitutional for "intrud[ing] unnecessarily upon the editorial discretion of broadcasters,"[13] risking "enlargement of Government control over the content of broadcast discussion of public

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[10] For a hearing on an application to be required, the party submitting a petition to deny "must, with statutorily required specificity and support, raise controverted factual issues that are substantial and material." *Cal. Pub. Broad. Forum v. FCC*, 752 F.2d 670, 674 (D.C. Cir. 1985).

[11] MRC, for example, filed an Exhibit that it stated contained "exemplars" of studies it has done concerning ABC network programming over the course of 38 years. The Exhibit contains a link that is defective and does not connect to any studies. Moreover, a license renewal review is limited to the current license term and does not encompass conduct from other periods of time. 47 U.S.C. Sec. 309(k)(1) ("the Commission shall grant the application" if it makes the requisite findings "with respect to that station, *during the preceding term of its license*") (emphasis added). CAR similarly acknowledges that several allegations in its petition "lie outside the license review window," but contends that they provide "helpful context." CAR Petition at 16 n.9 (first citing *Applications of RKO Gen., Inc.*, 78 F.C.C.2d 147, 219 n.32 (A.L.J. 1974); then citing *Application of KMAP*, 63 F.C.C.2d 470, 476 (1977)). However, the cases cited by CAR for this proposition pre-date the adoption of Section 309(k) in 1996.

[12] CAR Petition at 62-65 (proposing that the Applications could be granted on a short term basis if Disney agrees to "structural safeguards" including: hosting an equal number of Republican and Democrat interview guests on network programs; hiring several prominent allies of the President as on-air talent for network programs; airing only live, or live-to-tape interviews with no editing on network programs; and prohibiting senior executives from making political contributions).

[13] *FCC v. League of Women Voters*, 468 U.S. 364, 379 (1984).

issues,"[14] and entangling the Commission in "oversee[ing] far more of the day-to-day operations of broadcasters' conduct."[15]

Notably, the Commission has repeatedly rejected challenges to license renewal applications based on programming content and should continue to do so here, given both statutory authority and First Amendment concerns. As an initial matter, the renewal opponents are requesting the FCC to regulate broadcasters' program content without a "scrupulously clear" congressional delegation of authority (such as the specific statutory provisions prohibiting obscenity and indecency or governing the provision of broadcast time to candidates).[16] But in the absence of a specific statutory provision delegating authority to regulate broadcast licensees' programming based on its subject matter or due to its alleged slant or bias, the Commission cannot act as the filers urge.[17] These cases reflect growing precedent demanding express delegations of statutory authority before federal agencies can act in a variety of areas.

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[14] *Columbia Broad. Sys., Inc. (CBS) v. Democratic Nat'l Committee (DNC)*, 412 U.S. 94, 126 (1973).

[15] *Id*. at 127.

[16] *Motion Picture Ass'n of America (MPAA) v. FCC*, 309 F.3d 796, 805 (D.C. Cir. 2002) (finding that the FCC's video description rules "significantly implicat[ed] program content" and thus the Act did not authorize their adoption due to the absence of an express delegation of congressional authority). Similarly, in a recent appeal of an FCC enforcement action, a concurring opinion joined by two of the three judges on an 11th Circuit panel, citing *MPAA* and other cases, stated that "there is no statutory authority for the FCC to regulate the affiliation that provides *the content that a licensed station broadcasts*." *Gray Television, Inc. v. FCC*, 130 F.4th 1201, 1226 (11th Cir. 2025) (emphasis added). (In its opinion, the 11th Circuit panel did not rely on this statutory authority question as a basis for its ultimate decision because the FCC had not been given an opportunity to pass on it.).

[17] Importantly, in *MPAA*, the D.C. Circuit concluded that the FCC lacked authority to adopt video description rules under its general rulemaking and public interest authority because the "FCC must act pursuant to *delegated authority* before any 'public interest' inquiry is made under § 303(r)" and because the FCC's authority under 4(i) must be "'reasonably ancillary' to other express provisions." 309 F.3d at 806 (emphasis in original). *See also Gray Television*, 130 F.4th at 1227 (citing and agreeing with *MPAA* on this point).

Last year, for example, the Fifth Circuit Court of Appeals struck down an FCC order requiring broadcasters to compile and disclose demographic-specific employment data, finding that this requirement did not serve any of the "targets" of the Communications Act.[18] The Court cited *MPAA* and *Cellco P'ship v. FCC* for the proposition that the Commission may not rely on its "'public-interest provisions without mooring its action to a distinct grant of authority' from Congress."[19] While the Court recognized that the Act's licensing provisions (including Sections 307, 309 and 310) "permit the FCC to issue licenses in the public interest, the FCC's authority to act in the 'public interest' does not extend outside of the statutorily prescribed tasks that Congress has instructed the FCC to carry out."[20] Thus, the licensing statutes did not provide authority for the FCC to order broadcasters to collect the employment data – and those same statutes similarly do not support the FCC's authority to regulate broadcasters' programming as the renewal opponents want. Judging licensees' programming for alleged bias or slant or for its subject matter is *not* a "statutorily prescribed task[] that Congress has instructed the FCC to carry out."[21]

The imposition of the filers' requests also would contravene Section 326, the "no censorship" provision of the Act,[22] and the First Amendment. The courts have made clear that under the Act the "choice of programs rests with the broadcasting stations licensed by the FCC,"[23] and that the "Government cannot control the content or selection of programs to

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[18] *Nat'l Religious Broads. (NRB) v. FCC*, 138 F.4th 282, 291-92 (5th Cir. 2025).

[19] *NRB*, 138 F.4th at 292 (quoting *Cellco*, 700 F.3d 534, 542 (D.C. Cir. 2012)).

[20] *NRB*, 138 F.4th at 293.

[21] *Id*.

[22] 47 U.S.C. § 326 (prohibiting the FCC from promulgating or fixing any regulation or condition that interferes with broadcasters' right of free speech).

[23] *McIntire v. Wm. Penn Broad. Co. of Philadelphia*, 151 F.2d 597, 599 (3d Cir. 1945).

be broadcast" over TV stations.[24] Congress did not intend the FCC to exercise its statutory licensing or rulemaking power to regulate broadcast stations' programming.[25] The broadcaster's editorial right to choose programming is protected speech.[26]

In particular, a licensee's journalistic and editorial discretion in the presentation of news and public affairs is core to the First Amendment's Free Press guarantee.[27] The Commission has very limited authority to interfere with the selection and presentation of public issues,[28] and leaves "[t]he choice of what is or is not to be covered in the presentation of broadcast news . . . to the licensee's good faith discretion."[29] The FCC gives broad deference to stations to choose which issues are important to their communities and

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[24] *Community-Service Broad. of Mid-America, Inc. v. FCC*, 593 F.2d 1102, 1110 (D.C. Cir. 1978) (en banc).

[25] The Communications "Act does not essay to regulate the business of the licensee. The Commission is given *no supervisory control of the programs*, of business management or of policy." *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940) (emphasis added).

[26] When a "broadcaster exercises editorial discretion in the selection and presentation of its programming, it engages in speech activity." *Ark. Educ. TV Comm'n v. Forbes*, 523 U.S. 666, 674 (1998).

[27] *See, e.g.*, *League of Women Voters*, 468 U.S. at 381 (finding that the expression of editorial opinion "lies at the heart of First Amendment expression" and holding that a ban on editorializing by noncommercial educational broadcast stations violated the First Amendment); *CBS v. DNC*, 412 U.S. at 124 (rejecting claims by the DNC and others that broadcasters could be required to accept editorial advertisements as an "erosion of the journalistic discretion of broadcasters in the coverage of public issues"); *Community-Service Broad.*, 593 F.2d at 1110; *KWWL-TV, Inc.,* 2006 FCC LEXIS 3536, 21 FCC Rcd 6900, 6901-02 (Video Div. 2006).

[28] *See CBS v. DNC,* 412 U.S. at 124; *see also Community-Service Broad.*, 593 F.2d at 1105 (finding unconstitutional a statute and FCC rules that required noncommercial educational broadcast stations receiving any federal funding to make audio recordings of broadcasts in which any issue of public importance was discussed, citing the "substantial burdens" on broadcasters and the "risk of direct governmental interference in program content").

[29] *KHNL/KGMB License Subsidiary,* LLC, Memorandum Opinion and Order, 33 FCC Rcd 12785, 12797 ¶ 23 (2018); *Application of American Broadcasting Companies, Inc.,* 83 FCC 2d 302, 305 ¶ 10 (1980); *see also Letter to Dr. Paul Klite*, 1998 FCC LEXIS 2089**,** 12 Com. Reg. (P&F) 79 (Video Div. 1998), *recon. denied sub nom*, *McGraw-Hill Broadcasting Co.*, 16 FCC Rcd 22739 (2001).

how to address those issues, and has repeatedly dismissed petitions to deny relating to programming, particularly with respect to news content.[30]

The Commission also has applied the no censorship prohibition in denying license renewal challenges that accuse stations of presenting politically biased programming. In 2013, a listener objected to renewing the license of Station WMAL(AM) in Baltimore, claiming "incessant bias" against the government in all of the station's programs and broadcasts of "blatant lies on each program" that could not be considered protected by the right to free speech.[31] The FCC declined to take adverse action on a renewal application based solely on the subjective determination of a single listener or group of listeners as to what constitutes appropriate programming.[32] For similar reasons, the FCC in 2007 denied several informal objections to the license renewals of two California radio stations, which alleged that the stations aired heavily biased programming and essentially used the station

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[30] *See, e.g., Klite*, 12 Com. Reg. at 80-81 (dismissing a petition to deny that claimed the subject stations failed to provide locally responsive programming because a large percentage of news coverage was devoted to stories about violence); *Fox TV Stations, Inc.*, 29 FCC Rcd 9564, 9574 (Media Bur. 2014) (dismissing a renewal challenge claiming the station did not adequately address issues of importance to New Jersey residents and finding that WWOR fulfilled its public interest obligation to serve the local community; noting that it is "well-settled law that the Commission does not substitute its own editorial judgment for that of a licensee"); *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 33 FCC Rcd 7221, 7226 (2018) (upholding 2014 Media Bureau decision and noting that, "[b]ecause of [the Section 326] statutory prohibition and related First Amendment principles, and because editorial discretion in the presentation of news and public information is the core concept underlying the regulation of broadcasting pursuant to the Communications Act, the Commission does not interfere with a licensee's selection and presentation of news and editorial programming."); *Petitions to Deny filed by Chicago Media Action and Milwaukee Public Interest Media Coalition*, 22 FCC Rcd 10877 (Video Div. 2007) (renewal challenges alleging insufficient coverage of local elections rejected because the evidence did not show the licensees exercised editorial discretion in bad faith and because quantity of programming about specific issues is not necessarily an accurate measure of overall responsiveness of a station's content).

[31] *WMAL(AM), Washington, DC, Radio License Holding VII, LLC*, 28 FCC Rcd 14907, 14907 (Audio Div. 2013).

[32] *Id*. at 14908-09.

as a "one-sided bully pulpit" in favor of one political party.[33] The FCC has consistently refused to substitute its own editorial judgment, or that of viewers, for that of licensees.

Some comments also appear to misunderstand broadcasters' obligations and the FCC's pursuit of "viewpoint diversity."[34] The Commission has a public interest goal of viewpoint diversity, which it has sought to promote by adopting rules to ensure that there are a variety of separately owned broadcast stations in local markets.[35] Other than the now defunct "fairness doctrine," which was jettisoned under the Reagan Administration in 1987, Commission policies and rules have not required or expected a single station or a single owner of stations to present conflicting views on public issues.[36] Indeed, a Commission effort to mandate any particular editorial slant or the presentation of differing editorial

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[33] *AMFM Broadcasting Licenses, LLC.*, 22 FCC Rcd 4804 (Audio Div. 2007).

[34] FFA Comments at 2 (claiming that broadcasters' public trustee obligation "encompasses the principle that a broad spectrum of viewpoints must be represented").

[35] *See, e.g., 2014 Quadrennial Regulatory Review,* Second Report and Order*,* 31 FCC Rcd 9864, 9918 ¶ 144 (2016); *2002 Biennial Regulatory Review*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, 13627–33 ¶¶ 19–35 (2003); *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations,* Second Report and Order, 50 FCC 2d 1046, 1074 ¶ 99 (1975), *reconsideration granted in part*, 53 FCC 2d 589 (1975), *aff'd sub nom.*, *FCC v. Nat'l Citizens Comm. for Broad.*, 436 U.S. 775 (1978) (each discussing the FCC's view that it promotes viewpoint diversity by ensuring a variety of separate owners of media outlets, not by requiring or even expecting single stations to present differing viewpoints). NAB does not agree that ownership restrictions or other forms of regulation are necessary to achieve the FCC's viewpoint diversity objectives. Rather, fewer ownership limits would create marketplace incentives for broadcasters to air differing programming and viewpoints on different outlets they commonly own to attract the widest possible audiences.

[36] *Complaint of Syracuse Peace Council against Television Station WTVH Syracuse, New York*, Memorandum Opinion and Order, 2 FCC Rcd 5043 (1987) (concluding that the fairness doctrine "violates the First Amendment and contravenes the public interest"); *see Syracuse Peace Council v. FCC*, 867 F.2d 654 (D.C. Cir. 1989) (affirming the FCC's conclusion that the fairness doctrine no longer served the public interest without reaching the question of unconstitutionality). Two rules related to the fairness doctrine (the personal attack and political editorial rules) subsequently were repealed by court mandate. *See Radio-Television News Dirs. Ass'n v. FCC*, 229 F.3d 269 (D.C. Cir. 2000).

perspectives on various issues would be the very opposite of the "editorial independence" FFA claims is lacking at the stations.[37] Other commenters similarly rely on a number of fairness doctrine-era FCC decisions as authority for the position that stations must present multiple viewpoints.[38] These decisions do not reflect current law. Similarly, assertions that allegations of defamation support designation of the Applications for hearing are based on authorities that apply legal standards that are no longer in effect (or that never applied to license renewals); involve conduct that was adjudicated by a court; or are based on a dissenting statement, rather than the majority decision.[39] None of these arguments should be considered in a renewal proceeding.

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[37] FFA Comments at 2-3.

[38] *See, e.g.,* CAR Petition at 6-7, *citing Amendment of Part 73 of the Rules Relating to Procedures in the Event of a Personal Attack*, 12 F.C.C.2d 250, 251-52 (1968) (revising the now defunct personal attack rules that the D.C. Circuit ordered the FCC to repeal in 2000); *Report on Editorializing by Broadcast Licensees*, 13 F.C.C. 1246, 1254-55 (1949) (adopting the fairness doctrine). Certain citations do not seem relevant to the proposition CAR is advancing but merely mention news. *See, e.g.,* CAR Petition at 6, *citing Chi. Fed'n*, 38 F.C.C.2d 417, 428 (1972) (citing a dissenting statement in a decision that dismissed renewal application challenges and granted the application).

[39] *See* CAR Petition at 12, citing *Trinity Methodist Church v. Fed. Radio Comm'n*, 62 F.2d 850, 851 (D.C. Cir. 1932) (predates current statutory renewal standards by more than six decades and involving a principal of the licensee who was "convicted of attempting in his radio talks to obstruct the orderly administration of public justice"); *Applications of Voce Intersectario Verdad America*, 100 F.C.C.2d 1607, 1610-11 (Rev. Bd. 1985) (upholding an ALJ determination that a licensee's conduct warranted a demerit in a comparative hearing (not a renewal) where licensee, who was also a state senator and host of a show on the station, was found by a court to have slandered a political adversary appearing on the show); *Complaint of Anti-Defamation League of B'nai B'rith Against Station KTYM*, 4 F.C.C.2d 190, 193 (1966) (ADL) (citing a dissenting statement where renewal application was *granted*, not designated for hearing; on the contrary, the majority declined to consider whether certain broadcasts were false and defamatory because making such editorial judgments would be unconstitutional, *id*. at 191); *Letter to Capt. James Hamilton*, 44 F.C.C. 999, 1000 (1957) (discussing how licensees "possess a wide range of discretion and freedom in the operation of their stations and in the choice of individual programs and participants thereon," citing the Section 326 prohibition on FCC censorship, and declining to take action on a police chief's complaint of derogatory statements made by an interviewee on a broadcast program).

Finally, any suggestion that consumers somehow would lack access to diverse viewpoints unless the government required every broadcast outlet or company to air a range of viewpoints on myriad issues is wholly unconvincing in today's media marketplace. Even three decades ago, the Supreme Court observed that "content on the Internet is as diverse as human thought," and Americans now may access almost infinite online outlets, platforms and services 24/7/365 via ubiquitous smart devices to obtain news, information, opinion and entertainment of every conceivable type and flavor.[40]

As discussed above, the Commission has repeatedly rejected challenges to license renewal applications based on the types of programming content issues raised in the renewal opponents' filings. Declining to do so here would set a factually and legally erroneous precedent likely to harm other broadcasters seeking to renew their licenses in the future and would chill speech.[41]

B. The Commission Does Not Consider Allegations or Unadjudicated Claims of Non-FCC Misconduct as Part of its License Renewal Review

Certain renewal opponents urge the Commission to draw conclusions based on complaints or allegations unrelated to FCC rules or policies that have not been adjudicated by any agency or court.[42] The existence of such allegations or complaints does not suffice to make a prima facie case that grant of a renewal application would be inconsistent with the

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[40] *Reno v. Am. Civ. Liberties Union (ACLU)*, 521 U.S. 844, 852 (1997).

[41] Increased threats of license renewal challenges or complaints, given the burdens of responding to them and the legal uncertainty created, easily could deter broadcasters from covering controversial issues and events and from airing politically-oriented news and other programming. "No rational firm – particularly one holding a government-issued license – welcomes a government audit." *Lutheran Church-Missouri Synod v. FCC*, 141 F.3d 344, 353 (D.C. Cir. 1998).

[42] *See, e.g.,* CAR Petition at 12 (referencing unadjudicated allegations of defamation); CAR Petition at 45-50 (asserting that Disney's relationship to China raises character issues); AFL Petition at 13 (citing its own pending Equal Employment Opportunity complaint); FFA Comments at 1 (asserting that Disney has violated federal civil rights law).

public interest. The alleged conduct is outside the limited scope of non-FCC misconduct that the Commission has determined is relevant to licensing matters in its Character Policy Statement. Considering such unadjudicated allegations or complaints in reviewing the Applications would be arbitrary and capricious under the Administrative Procedure Act (APA).

Pursuant to its Character Policy Statement, the Commission concerns itself only with issues of non-FCC misconduct "which demonstrate the proclivity of an applicant or licensee to deal truthfully with the Commission and to comply with our rules and policies" and then only where such conduct has been adjudicated.[43] Specifically, it will consider matters involving only: (a) fraudulent representations to governmental units; (b) criminal misconduct involving false statements or dishonesty; (c) mass media-related violations of antitrust or other laws dealing with competition; and (d) felonies.[44] The Commission's longstanding policy is to "refrain from making licensing decisions based on mere allegations of relevant non-FCC misconduct, even where those allegations have resulted in an indictment or are otherwise in the process of being adjudicated by another agency

[43] *Policy Regarding Character Qualifications in Broadcast Licensing*, 102 FCC 2d 1179, 1190-91 (1986) (1986 Character Policy Statement), *as modified by* 5 FCC Rcd 3252 (1990) (1990 Character Policy Statement).

[44] 1986 Character Policy Statement, 102 FCC 2d at 1195-1197, 1200-1203, *as modified by* 1990 Character Policy Statement at 5 FCC Rcd 3252 ¶¶ 3-6; *Application of Fox Television Stations, LLC For Renewal of License of WTXF-TV, Philadelphia, PA,* Memorandum Opinion and Order, MB Docket No. 23-293, DA No. 25-57 (Jan. 16, 2025) at ¶¶ 17-19 (WTXF). The FCC has explained that it will consider even unadjudicated non-FCC related misconduct in certain cases, but only if the conduct is "so egregious as to shock the conscience and evoke almost universal disapprobation." WTXF at ¶ 19, *citing* 1986 Character Policy Statement*,* 102 FCC 2d at 1204-05, ¶ 48, n.60*.* The Commission has found that child molestation and drug trafficking qualify under this test. *Id*. No such conduct has been alleged in connection with the Applications.

or court."[45] Further, non-FCC misconduct is considered to have been adjudicated only when the "ultimate trier of fact" renders its decision.[46]

For example, in a recent decision involving the license renewal of Station WTXF, the Commission dismissed a petition to deny urging it to consider unadjudicated allegations of defamation by a cable network owned by a separate subsidiary of the licensee's parent company. Aside from the conduct not involving the station itself (discussed below at subsection II.C), the Commission held that defamation was not among the categories of conduct that its character policy considers, and that the matter remained unadjudicated.[47]

Accordingly, the renewal opponents' arguments that the Commission should consider unadjudicated defamation claims, discrimination claims, and general allegations that Disney is subject to "foreign influence" must be rejected.[48] Considering these allegations in the license renewal review process here would contradict the FCC's long-standing Character

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[45] 1990 Character Policy Statement, 5 FCC Rcd at 3252-53 ¶ 7. *See also* WTXF at ¶¶ 17-19.

[46] 1986 Character Policy Statement, 102 FCC 2d at 1205 n. 62. Generally, the "ultimate trier of fact" is a tribunal whose factual findings are not subject to review de novo. *Id.*

[47] WTXF at ¶¶ 17-19. *See also Application of Jacor Broadcasting of Tampa Bay, Inc., For Renewal of the License of Station WFLA, Tampa, Florida*, Memorandum Opinion and Order, 7 FCC Rcd 1826 n. 1 (Audio Div. 1992), *citing Anti-Defamation League of B'nai B'rith Against Station KTYM*, 4 FCC 2d 190, 191 (1966) (defamation allegations are "properly the subject of private defamation actions, not of Commission licensing proceedings."). The issue of consideration of non-FCC misconduct also has been addressed several times in connection with claims of discrimination. *See Application of Southern Broadcast Corporation of Sarasota for Renewal of License of Station WWSB(TV) Sarasota, Florida*, Memorandum Opinion and Order, 16 FCC Rcd 3655, 3658-59 ¶ 14 (2001) (Southern Broadcast); *Pacific and Southern Company, Inc.*, 11 FCC Rcd 8503, 8505-06 ¶ 6 (1996) (Pacific); *CBS, Inc.*, 59 FCC 2d 1127, 1132 ¶ 7 (1976) (CBS) (discussing the FCC's longstanding policy that claims of employment discrimination should be resolved in the first instance by the Equal Employment Opportunity Commission (EEOC) or other governmental agency and/or court established to enforce non-discrimination law).

[48] *See, e.g.,* CAR Petition at 12, 45-50; AFL Petition at 13; FFA Comments at 1.

Policy Statement and relevant precedent, including WTXF, applying its policy. Such action would be arbitrary and capricious in violation of the APA.

C. Non-Station Conduct is Beyond the Scope of the FCC's License Renewal Review

Section 309(k)(1) provides that in a license renewal proceeding the Commission "shall grant the [renewal] application if it finds, *with respect to that station*, during the preceding term of its license [that] *the station* has served the public interest, convenience, and necessity . . . ."[49] As the Commission has repeatedly acknowledged, Congress expressly limited the scope of the license renewal inquiry to matters occurring *at the particular station* for which license renewal is sought.[50] Certain renewal opponents discuss conduct that has no apparent relationship to any of the stations, including conduct relating to Disney theme parks, content produced by Disney film studios, programming aired on affiliated nonbroadcast networks and streaming platforms,[51] and professional development programs relating to script writing, film/television studio, and computer programming roles, and even corporate charitable giving.[52]

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[49] 47 U.S.C. § 309(k)(1)(A) (emphasis added).

[50] *See* WTXF at ¶ 11, *citing Sagittarius Broad. Corp*., Memorandum Opinion and Order, 18 FCC Rcd 22551, 22555 ¶ 8 (2003) (emphasis added). While Sections 309(k)(1)(B) and 309(k)(1)(C) refer to rule violations by the "licensee," the Commission has explained that does not mean it "can look beyond conduct at the station under consideration." *Entercom Sacramento License, LLC*, Memorandum Opinion and Order, 33 FCC Rcd 6615, 6618 ¶ 10 n.30 (2018) (subsequent history omitted).

[51] *See, e.g.,* CAR Petition at 45-50 (complaining of allegations involving a Disney theme park, content from Disney's movie studios and Disney+ streaming platform); *id.* at 34 (complaining of content streamed on Hulu).

[52] *See, e.g.,* CAR Petition at 37-42; AFL Petition at 7-11 (each discussing programs and policies petitioners view as discriminatory that relate to roles such as computer programmers, script writers/producers, composers and costume designers that simply do not exist at television broadcast stations).

It is not clear that any of the conduct discussed by filers would violate any Commission rules or policies. To the extent, however, that filers are concerned about Disney's conduct involving other business lines such as theme parks, movie studios, streaming and cable networks, Section 309(k)(1) precludes consideration of such conduct in connection with any of the stations' license renewal applications.[53] Recently, for example, the Commission, consistent with NAB's comments in that proceeding,[54] dismissed a petition to deny alleging that the license renewal application of Station WTXF in Philadelphia should be denied because of conduct relating to a cable network owned by a separate subsidiary of the licensee's parent company. The Commission held that consideration of such non-station conduct was barred by Section 309(k)(1).[55] It should again decline to consider non-station conduct in this proceeding, whether concerning alleged discrimination, programming, or any other non-station conduct discussed by renewal opponents. Entertaining such claims would invite the filing of other unmeritorious petitions to deny and informal objections against other stations' renewal applications in the future, creating unjustifiable burdens on broadcasters in the license renewal process.

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[53] WTXF at ¶ 11; *Entercom Sacramento License, LLC*, Memorandum Opinion and Order, 33 FCC Rcd 6615, 6618 ¶ 10 n.30 (2018) (subsequent history omitted); *Sagittarius Broad. Corp*., Memorandum Opinion and Order, 18 FCC Rcd 22551, 22555 ¶ 8 (2003).

[54] *See* Comments of NAB and the Pennsylvania Ass'n of Broad., MB Docket No. 23-293, at 2-3 (Oct. 11, 2023).

[55] WTXF at ¶ 11. The Commission further explained that even if the issue raised relates to a licensee's character, the FCC's "character policy does not override this statutory limitation," meaning that conduct occurring at other affiliated stations or affiliated subsidiaries that may be "'so egregious as to shock the conscience and evoke almost universal disapprobation'" still cannot be considered at renewal under Section 309(k). *Id.* In any event, no such conduct has been alleged here.

III. CONTRARY TO PETITIONER CLAIMS, EARLY RENEWAL CALL-INS ARE INCONSISTENT WITH THE SIGNIFICANT REGULATORY CHANGES MADE IN BROADCASTER LICENSING OVER THE LAST SEVERAL DECADES

Although some comments support review of the licenses pursuant to the FCC's early "call-in" rule,[56] NAB submits that the Commission should consider eliminating this rule because it no longer serves its intended purpose and creates significant instability for the entire broadcast industry. Under this rule, the Commission may require licensees to file their renewal applications early but only when the application is "essential to the proper conduct of a hearing or investigation."[57] This rule, however, does not fit with the modern licensing structure in force since 1996, which prioritizes stability and predictability in the license renewal process over exhaustive hearings and proffers from stations competing for licenses. Notably, the Commission rarely has invoked its authority to compel early renewal filings of broadcast licenses, and had not done so in more than fifty years before this year.[58] In fact, the Commission has much more frequently declined requests from outside parties to order early renewal for broadcast licensees, calling it an "extraordinary" action that should seldom be used.[59] Given the "changes in the broader regulatory context," the Commission should revisit the early renewal rule and consider its repeal. As explained further below, the primary effect of the FCC's use of its early call-in rule would be to create undue uncertainty for

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[56] CAR Petition at 50-55.

[57] 47 C.F.R. § 73.3539(c).

[58] *See Leflore Broadcasting Co.*, 36 F.C.C.2d 101 (1972).

[59] *See, e.g.*, *Greater Portland Broadcasting Corp.*, 3 FCC Rcd 1953, 1954 (1988) (declining to grant request for the "extraordinary, discretionary action of calling for the early filing of a renewal application"); *Application of RKO General, Inc. (Assignor) to GTH-101, Inc. (Assignee)*, 1 FCC Rcd 1081, 1085 (1986) (finding no "compelling circumstances" that warranted ordering early renewal filings); *Applications of Robert E. Thomas & Ferris A. Maloof, D.B.A. Click Broadcasting Co.*, 17 F.C.C.2d 375, 380 (1969) ("[T]he Commission has always been circumspect in its discretionary use of the callup procedure.").

broadcasters, undermine the stability of the broadcast licensing system, and discourage investment in radio and television companies.

Early renewal is a relic of a bygone era of broadcast licensing, in which the Commission awarded initial licenses and renewed them through comparative hearings, seeking to find the "best qualified" applicant for the license.[60] Prior to the mid-1990s, the Commission would conduct comparative hearings "when more than one applicant applied for the same broadcast license."[61] In these hearings, the licensee did not necessarily have an expectancy of renewal, and the Commission would select which applicant for a station would best serve the public interest and grant the license for a relatively short period (e.g., three years). In this context, it made more sense for the Commission to call in licenses for early renewal in certain instances when faced with an application for the same license, and even then the FCC still required a compelling reason to justify ordering early renewal filings.[62]

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[60] *See, e.g.*, *History of the Broadcast License Application Process*, Prepared by KPMG LLP for the FCC, at 4 (Nov. 2000), https://transition.fcc.gov/opportunity/meb_study/broadcast_lic_study_pt1.pdf.

[61] *Id.*; *see also Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures),* 11 FCC Rcd 6363 ¶ 2 (1996), *citing Formulation of Policies and Rules Relating to Broadcast Renewal Applicants, Competing Applicants, and Other Participants to the Comparative Renewal Process*, Second Further Notice of Inquiry and Notice of Proposed Rule Making, 3 FCC Rcd 5179, 5186-88 (1988).

[62] *See, e.g.*, *Applications of Eider Stangland and Wallace Stangland, d/b/a/ Sioux Empire Broadcasting Co*, 9 F.C.C.2d 683, 684 (1967) (discussing the FCC's "practice of not requiring the filing of early renewal applications absent some compelling reason"); *see also Applications of WQED Pittsburgh (Assignor) and Cornerstone Television Inc. (Assignee)*, 15 FCC Rcd 202, 207 n.13 (1999) ("The Commission requires that 'persons seeking the extraordinary, discretionary action of calling for the early filing of a renewal application because of alleged "compelling reasons" should, at a minimum, support their requests with factual allegations meeting the requirements of Section 309(d) [of the Communications Act].'" (quoting *Greater Portland Broadcasting Corp.*, 3 FCC Rcd at 1954)).

For example, in 1958, the Commission called up the licenses of two stations for early renewal after they had petitioned the Commission to reconsider its grant of an application for a new broadcast station on the basis that the "economic impact on the existing broadcast stations by the operation of an additional broadcast station in Auburn, N.Y., would be detrimental to the public interest."[63] Given this contention, the Commission called up their licenses for renewal early so that the renewal applications "could be consolidated for hearing with the subject application and, if necessary to do so, it could then be determined, on a comparative basis, which applicants were best qualified to operate the limited of broadcast services that Auburn, N.Y. could support without detriment to the public interest."[64] Importantly, the licenses at issue there were set to expire only two years following the order compelling early renewal.[65]

Similarly, in *Narragansett Broadcasting* in 1951, the Commission noted that early renewal was appropriate in situations involving applications filed seeking consent to transfer control of a licensee and competing applications for the same license "in order that a comparative hearing can be held to determine which applicant is best qualified to own and operate the station in the public interest."[66] In contrast, *in RKO General*, the Commission declined to compel early renewal, finding no "compelling circumstances" that warranted

[63] *Application of Herbert P. Michels* (WAUB), 44 F.C.C. 1346, 1346 (1958). In later decisions, the Commission expressed a policy of "not advanc[ing] the filing date of the renewal application of an existing station, in order to consider it comparatively with an application for a construction permit for a new station against which the Carroll issue has been specified," i.e., whether the economic impact of a new station will be detrimental to the public interest. *Robert E. Thomas & Ferris A. Maloof*, 17 F.C.C.2d at 380; *see Carroll Broadcasting Co. v. FCC*, 258 F. 2d 440, 443 (1958).

[64] *Michels*, 44 F.C.C. at 1347.

[65] *Id*. at 1348.

[66] *Narragansett Broadcasting*, 7 Pike and Fischer R. R. 37, 40 (1951) (quoting from earlier Commission order compelling filing of early renewal application).

"departing from our normal procedure."[67] In these decades-old decisions, the Commission utilized early renewal when needed to properly conduct comparative hearings, as contemplated by the rule.[68] But comparative hearings, including for renewal applications, were eliminated 30 years ago.

Some renewal opponents cite the FCC's decision in *Leflore* in 1972 – the last time in which the Commission compelled an early renewal filing – to support the present and continued use of call-ins for early renewal.[69] But the FCC's decision in *Leflore* reflects previously required stipulations on license renewal applications related to programming that no longer exist.[70] Leflore submitted a renewal application for its AM station, asserting that "it was the only station programmed for the Black majority and proposed to continue that orientation" with its non-entertainment programming, and described its entertainment

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[67] 1 FCC Rcd at 1085.

[68] 47 C.F.R. § 73.3539(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.").

[69] *See, e.g.*, CAR Petition to Deny at 51-52.

[70] Renewal applications used to require a pledge that specific amounts of non-entertainment programming would be broadcast, and a specified format maintained. *See WQED Pittsburgh*, 15 FCC Rcd at 207 n.14. The FCC eliminated its guidelines for radio and TV station licensees to provide specified amounts of non-entertainment programming in the 1980s. *See Radio Deregulation*, Report and Order, 84 FCC 2d 968 (1981); *Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations*, Report and Order, 98 FCC 2d 1076 (1984). Under these guidelines, applicants offering certain percentages of non-entertainment programming could have their renewal applications routinely acted upon by FCC staff, while the full FCC would have to act on those applications not reflecting the minimum percentages of non-entertainment programming. In 1981, the Supreme Court upheld the FCC's decision that it would no longer review radio station's format changes in the context of ruling on applications for license renewals or transfers. *FCC v. WNCN Listeners Guild*, 450 U.S. 582 (1981). More recent judicial decisions have concluded that the FCC lacks authority to adopt rules significantly implicating program content unless Congress has expressly delegated such authority. *See* Section II.A, *supra*, discussing *MPAA v. FCC* and other cases.

format as "95 percent rhythm and blues, 3 percent popular and 2 percent religious."[71] However, less than a year into the renewal term, Leflore "changed its format to country and western music" and instituted other changes appearing to cast doubt on its commitment to continue "to serve the black community with its non-entertainment programming."[72]

Given the discrepancies between Leflore's representations to the FCC and its actions thereafter, the Commission decided to further investigate, and it determined that "in light of the nature of the issues and the present posture of Leflore (i.e., in the *last year* of its license term)," it was "appropriate to consider the issues in the context of a renewal proceeding."[73] Here, too, the use of early renewal near the end of a license term (unlike the "posture" of the ABC stations in this proceeding) was consistent with FCC policies at the time that no longer exist today.

The early renewal rule has no place in the current structure for license renewals. At present, broadcasters generally have their licenses renewed for eight years, pursuant to statute and as implemented by Commission rule.[74] Importantly, part of the FCC's rationale for "[e]xtending broadcast license terms" to eight years in its rules was to "reduce the burden to broadcasters of seeking more frequent renewal of their license" and to "allow broadcasters to operate more efficiently in an increasingly competitive marketplace."[75] Additionally, the Commission is directed by statute to grant license renewals to broadcast

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[71] *Leflore*, 36 F.C.C. 2d at 102.

[72] *Id.*

[73] *Id.* at 104 (emphasis added).

[74] *See* 47 U.S.C. § 307(c)(1) ("Upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed 8 years from the date of expiration of the preceding license, if the Commission finds that public interest, convenience, and necessity would be served thereby."); 47 C.F.R. § 73.1020 ("Both radio and TV broadcasting stations will ordinarily be renewed for 8 years.").

[75] Broadcast License Terms, 62 Fed. Reg. 5339, 5341 (Feb. 5, 1997).

stations upon their applications if they show that their stations have "served the public interest, convenience, and necessity," and have had "no serious violations" or "other violations . . . which, taken together, would constitute a pattern of abuse" of the Communications Act or "the rules and regulations of the Commission."[76] The Commission is statutorily restricted from considering at renewal "whether the public interest, convenience, and necessity might be served by the grant of a license to a person other than the renewal applicant."[77] In place of comparative hearings, the Commission is required to use competitive bidding when "mutually exclusive applications are accepted for any initial license."[78] These provisions have established a stable and predictable license renewal process for broadcasters with reduced regulatory burdens, and continued use of early renewal call-ins would upend this process.[79]

Ultimately, the Commission should consider repealing its rule on early license renewal. The rule is very infrequently invoked and historically disfavored by the Commission. Early renewal is no longer useful in the context of a licensing scheme without comparative hearings. Elimination of the early renewal rule would ensure that broadcasters can plan for the future without concern that they may be required to file for early renewal well in advance of the end of their license terms.

Perhaps most importantly, the uncertainty engendered by use of early renewals would inevitably discourage investment in broadcast licensees, which broadcasters can ill

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[76] 47 U.S.C. § 309(k)(1).

[77] *Id.* § 309(k)(4) (eliminating comparative renewals).

[78] *Id.* § 309(j).

[79] *See* Letter from Center for Individual Freedom and others to Chairman Carr re: Maintaining a Routine and Predictable Broadcast License Renewal Process, at 1-2, MB Docket No. 26-131 (July 22, 2026).

afford in today's competitive audio and video markets. Broadcasters already struggle to obtain needed investment capital for a variety of reasons, including their regulatorily restricted scale and their lack of tangible collateral, given that their primary assets are government licenses that must be periodically renewed. In previous FCC proceedings, broadcasters explained that lenders are more reluctant to loan to broadcasters that lack traditional physical assets that can be collateralized.[80] Resuscitating the use of early license call-ins will appear to investors and lenders as undermining the stability of broadcasters' most valuable assets necessary for them to remain functioning businesses. And given that no license had been called for early renewal since 1972, this procedure appears unnecessary to ensure effective enforcement of and broadcaster compliance with FCC rules. For these reasons, the Commission should reconsider use of its early license call-in rule here and consider eliminating it altogether.

IV. CONCLUSION

In addressing the filings in this proceeding, NAB urges the Commission to be guided by its obligations under the Constitution and the Communications Act and its own precedent. With respect to programming, none of the renewal opponents presents a prima facie case

[80] A leading media broker (and broadcast station owner) has explained that banks can be reluctant to loan to broadcasters due to the perceived lack of collateral. "Banks are generally asset-based lenders. Many are not comfortable with cash-flow based lending and even less so when they cannot have a security interest in a broadcast license subject to renewals. They fear that a license challenge from a competitor or the FCC itself could threaten their collateral. I have witnessed many deals . . . fail because of [banks'] reluctance to look at cash-flow as a source of repayment and the lack of what they consider to be 'firm' collateral." Letter from W. Lawrence Patrick, Patrick Communications, to Marlene H. Dortch, MB Docket No. 17-289, at 2 (June 4, 2018). *See also* Letter from Lyle Banks, Vice President and General Manager, WGCL/WPCH, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 17-189, at 1 (June 6, 2018) ("I found that national banks were only interested in financing deals for entities with significant physical assets to collateralize their loans."); Letter from Diane Sutter, President/CEO, ShootingStar Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 17-289, at 2 (May 16, 2018) (observing that "broadcast properties offer little tangible collateral," adding to banks' reluctance to loan to station owners).

that any programming aired by the stations is inconsistent with their public interest obligations. Moreover, the renewal opponents' arguments are improperly based on the nature of programming content—a basis which contravenes the First Amendment's free speech guarantee as well as the "no censorship" provision of the Act. Finally, we urge the Commission to disregard allegations of non-FCC misconduct that are beyond the scope of the FCC's Character Policy Statement or that involve non-station conduct. Contrary to the views of certain filers, Section 309(k)(1) prohibits consideration of matters involving Disney theme parks, film and television studios, or streaming platforms, or any other activity that does not involve the ABC stations.

The Commission should ensure that the focus of this proceeding is the stations' service to the viewing public in their respective communities of license. Failing to do so would invite the submission of other non-meritorious oppositions to broadcast stations' license renewals in the future, to the potential significant detriment of broadcasters who work every day to serve their local communities. NAB also asks the Commission to revisit its early license call-in rule, which lost its usefulness with the elimination of comparative hearings, is not needed to ensure effective enforcement of FCC rules, and whose use will discourage investment in the broadcast industry generally.

Respectfully submitted,

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July 29, 2026

CERTIFICATE OF SERVICE

I, Erin Dozier, hereby certify that on July 29, 2026, I caused true and correct copies of the foregoing Opposition to be served via email and United States First-Class Mail (except where an email address was not available) upon the following:

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