



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 20-336

Released: March 25, 2020

GUIDANCE FOR TELEVISION STATIONS THAT ARE PARTIES TO EXISTING LOCAL MARKETING AGREEMENTS AND/OR SHARED SERVICES AGREEMENTS IN LIGHT OF THE NOVEL CORONAVIRUS (COVID-19) OUTBREAK

Media Bureau Establishes Temporary Waiver Process for Brokered Television Stations in Light of COVID-19 Outbreak

As a result of the evolving nature of the outbreak of the respiratory illness caused by a novel coronavirus (COVID-19) and the federal and/or state response to local needs relating to the outbreak, we understand that broadcast television stations may desire to serve the public interest by providing extra local coverage of information that may relate to testing, triage, and/or other local COVID-19 issues of community concern. In certain markets, news coverage on one television station—the brokered station—may be produced by another in-market station via an existing Local Marketing, Shared Services, or similar agreement. Under the Commission’s rules such news programming under the terms of these agreements may not exceed 15% of the brokered station’s weekly programming hours.¹ Thus, provision of programming in excess of 15% of the brokered television station’s weekly programming hours may result in violation of the Local Television Ownership Rule.

During the period that the COVID-19 outbreak remains a national emergency, individual licensees may request temporary waivers of the Local Television Ownership Rule to provide more news coverage to brokered stations than is currently provided by existing Local Marketing, Shared Services, or related agreements if such additional coverage would exceed 15% of their current weekly programming hours.² To expedite determinations during this period of national emergency, we will permit such requests to be made via e-mail. Such e-mails should be directed to either David Brown, Deputy Chief, Video Division at david.brown@fcc.gov or Barbara Kreisman, Chief, Video Division at

¹ Pursuant to section 73.3555(b) of the Commission’s rules (Local Television Ownership Rule), an entity may directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity) (a) if the digital noise limited service contours of the stations do not overlap; or (b) at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9 a.m.-midnight) audience share; and at least 8 independently owned and operating, full-power commercial and noncommercial TV stations would remain post-merger in the DMA in which the communities of license of the TV stations in question are located. 47 CFR § 73.3555(b). In determining whether the numerical ownership limits of the Local Television Ownership Rule apply, the Commission employs attribution standards set forth in Note 2 to section 73.3555. Specifically, Note 2(j)(2) states that “where two television stations are both located in the same market and a party with a cognizable interest in one such station brokers more than 15 percent of the broadcast time per week of the other such station,” the interest shall be treated as attributable to the broker for purposes of determining compliance with the Local Television Ownership Rule. 47 CFR § 73.3555, Note 2(j)(2).

² 47 CFR § 1.3 (“Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”).

barbara.kreisman@fcc.gov. Section 1.3 of the Commission's rules permits waivers to be based on "good cause shown." This is by necessity a fact-specific determination. In the e-mail request, licensees should describe how additional coverage would assist in providing community-specific information regarding COVID-19 and how such needs would be better met by allowing for the production of additional news and/or informational programming by the brokering station. Note that the temporary waivers will be limited only to the time period during which COVID-19 remains a national emergency. Grants may be conditioned on compliance with the Local Television Ownership Rule once COVID-19 is no longer determined to be a national emergency. Failure to abide by any conditions placed on grant of the waiver may subject a licensee to enforcement action.

The Commission recognizes that broadcasters play an essential role in helping Americans stay safe and informed during the COVID-19 outbreak. The Commission will continue to work with broadcasters to help them address operational challenges during this difficult time.

For additional information or questions, please contact David Brown, David.Brown@fcc.gov at (202) 418-1645. Press inquiries should be directed to Janice Wise, Janice.Wise@fcc.gov or (202) 418-8165.

- FCC -