



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU SEEKS TO REFRESH THE RECORD IN THE NATIONAL TELEVISION MULTIPLE OWNERSHIP RULE PROCEEDING

MB Docket No. 17-318

Comment Date: [25 days after publication in the Federal Register]

Reply Comment Date: [45 days after publication in the Federal Register]

With this Public Notice, the Media Bureau seeks to refresh the record in the National Television Multiple Ownership Rule proceeding. The prior comment and reply comment period in this proceeding closed over seven years ago.¹ Given the passage of time, we now seek further comment to refresh the record in this proceeding.

Background. In December 2017, the Commission adopted a Notice of Proposed Rulemaking (*National Cap NPRM*) to seek comment on whether to retain, modify, or eliminate its rule limiting entities from owning or controlling broadcast television stations that, in the aggregate, reach more than 39% of the television audience households in the United States.² The *National Cap NPRM* also sought comment on a component of the rule which provides a 50% discount to UHF stations for purposes of calculating compliance with the 39% audience reach cap, often referred to as the “UHF discount.”³

Discussion. With this Public Notice, we open a new comment window and encourage the submission of new or additional information to refresh the record in the National Television Multiple Ownership Rule proceeding. The dockets in this and other proceedings show that the national audience reach cap still generates significant interest to commenters who continue to submit information about it, despite the fact that the record closed seven years ago.⁴ Accordingly, we present commenters with this further opportunity to refresh the record in the National Television Multiple Ownership proceeding.

¹ *Amendment of Section 73.3555(e) of the Commission’s Rules, National Television Multiple Ownership Rule*, MB Docket No. 17-318, Order, 33 FCC Rcd 1761 (2018).

² *Amendment of Section 73.3555(e) of the Commission’s Rules, National Television Multiple Ownership Rule*, MB Docket No. 17-318, Notice of Proposed Rulemaking, 32 FCC Rcd 10785 (2017) (*National Cap NPRM*).

³ *Id.* at 10794, para. 19.

⁴ *See, e.g.*, Letter from Timothy Nelson, Brooks Pierce, LLP, to Marlene H. Dortch, Secretary, FCC, MB Docket Nos. 22-459 and 17-318 (filed Apr. 28, 2025); Letter from Amy Hinojosa, President and CEO, MANA – A National Latina Organization, et al. to Marlene H. Dortch, Secretary, FCC, MB Docket No. 17-318 (filed Apr. 28, 2025); Letter from Rick Kaplan, Chief Legal Officer and Executive Vice President, and Jerianne Timmerman, Senior Vice President and Senior Deputy General Counsel, National Association of Broadcasters (NAB), to Marlene H. Dortch, Secretary, FCC, MB Docket No. 17-318 (filed Apr. 2, 2025); Letter from Rick Kaplan, Chief Legal Officer and Executive Vice President, NAB, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 17-318 (filed May 13, 2022); Letter from Brandon Burgess, Chairman and CEO, Ion Media Networks, Inc., et al. to Ajit Pai, Chairman, (continued....)

First, we seek comment on materials filed since the comment period ended in April 2018. We invite commenters to review these materials and comment on whether they highlight any issues that warrant further comment and consideration. Are there issues raised in the *National Cap NPRM* for which new and relevant information has come to light? How have the positions of commenters in this proceeding changed over time as a result of new information? To what extent is prior information in the record outdated or superseded by more recent developments? Where possible, commenters should explain how any new analysis, evidence, or proposals relate to the Commission's promotion of the public interest.

Second, we seek comment on new or additional information regarding the television and video programming marketplace that is relevant to this proceeding. Are there changes in the video programming marketplace that would affect the Commission's prior conclusions about the national audience reach cap?⁵ Are there any developments relevant to the relationship between national broadcast networks and their local affiliate television station groups? Have recent industry developments altered the incentives or behavior of networks, local television affiliates, and other market participants in ways relevant to the national audience reach cap? In the *National Cap NPRM*, the Commission discussed economies of scale made possible by expansion of station ownership that may help broadcast television remain competitive in the marketplace and deter the migration of expensive over-the-air programming to other video programming distributors.⁶ The Commission also reasoned that, by placing limits on the expansion of network owned and operated station groups, a national cap would preserve a balance in the marketplace between the networks and their local affiliates.⁷ Do these prior conclusions remain accurate in 2025, and can they be expected to remain valid going forward? If so, and the Commission retains a national audience reach cap, should common ownership of stations that are not affiliated with major national broadcast networks (i.e., ABC, CBS, NBC, or FOX) be excluded from the cap?⁸ If the Commission retains the cap in any form, should it include a UHF discount or any other form of discount?

We also seek comment on any other relevant trends observed within the television and video programming industry or in related markets that are now relevant to the Commission's review of the cap. For example, how has the national audience reach cap affected broadcast television's market position in relation to other video distributors, such as online video providers, that are not restricted by ownership limits? Do the current relationships and business dealings between broadcast television and other video distributors support modification or elimination of the national audience reach cap?

FCC, et al., MB Docket No. 17-318 (filed Mar. 11, 2019); NAB Comments, GN Docket No. 25-133, at 8-10 (rec. Apr. 11, 2025); American Television Alliance Reply, GN Docket No. 25-133 et al., at 2-4 (rec. Apr. 28, 2025); National Association of Broadcast Employees and Technicians – Communications Workers of America et al. Reply, GN Docket No. 25-133, at 3 (rec. Apr. 28, 2025).

⁵ For example, in the *National Cap NPRM*, the Commission noted, among other developments, the growth of video programming options available to consumers (including online alternatives to traditional video distribution), reverse compensation fees paid by affiliates to broadcast networks, common ownership of broadcast and cable networks, consolidation among both MVPDs and non-network owned broadcast television station groups, and continuing MVPD video subscriber losses. *National Cap NPRM*, 32 FCC Rcd at 10790, para. 11.

⁶ *National Cap NPRM*, 32 FCC Rcd at 10791, para. 12.

⁷ *Id.* Specifically, the Commission noted its prior conclusions, dating back to 2003, that a national cap would promote localism by enabling local affiliates to influence programming decisions by the networks and to exercise their rights to preempt the airing of network programming in favor of programming better suited to their local communities' needs. *Id.* (citing *2002 Biennial Review Order – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 02-277, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, 13842-43, paras. 578-81 (2003)).

⁸ *Id.* at 10793, para. 18 (seeking comment on whether the national audience reach cap should apply equally to all station ownership groups).

Finally, we seek comment on whether there are any other legal or economic developments that the Commission should consider in the context of the national television audience cap. For example, how, if at all, have legal developments affected the Commission's past conclusions about its authority to implement changes to the national audience reach cap and the UHF discount?

Initial Regulatory Flexibility Analysis. The *National Cap NPRM* included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to 5 U.S.C. § 603, exploring the potential impact on small entities of the Commission's proposals.⁹ We invite parties to file comments on the IRFA in light of this request to refresh the record.

Ex Parte Rules—Permit But Disclose. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹⁰ 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). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that 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.

Filing Comments and Replies. **All filings must be submitted in MB Docket No. 17-318.** Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, 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).¹¹

- 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

⁹ *Id.* at 10797-98, paras. 30-31.

¹⁰ 47 CFR §§ 1.1200 *et seq.*

¹¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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.

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

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.¹²

Additional Information. For additional information on this proceeding, please contact Ty Bream of the Media Bureau, Industry Analysis Division, Ty.Bream@fcc.gov, (202) 418-0644.

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¹² 5 U.S.C. § 553(b)(4). The Providing Accountability Through Transparency Act, Pub. L. No. 118-9 (2023), amended Section 553(b) of the Administrative Procedure Act.