



PUBLIC NOTICE

Federal Communications Commission
45 L Street N.E.
Washington, D.C. 20554

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

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**Empowering Local Broadcast TV Stations to Meet Their Public Interest Obligations:
Exploring Market Dynamics Between National Programmers and Their Affiliates**

MB Docket No. 25-322

Comments Due: December 10, 2025

Reply Comments Due: December 24, 2025

Congress has provided the FCC with broad and expansive authority over the provision of broadcast television service.¹ Specifically, television broadcasters are required by both the Communications Act and the terms of their FCC-issued licenses to operate in the public interest. Television broadcasters have this public interest obligation because the government has given them the privilege of using a scarce national resource—the public airwaves—and in doing so has necessarily excluded others that might want to broadcast their own programming over that spectrum. This public interest obligation distinguishes television broadcasters from other types of program distributors, including cable companies, streaming services, podcasts, and more, that were never given free access to the public airwaves or a federal license to broadcast on that spectrum.

By this Public Notice, the Media Bureau continues its efforts to empower local television broadcasters to meet their public interest obligations.² Consistent with longstanding FCC precedent and rules, we want to identify any barriers that may be preventing local broadcast television stations from meeting their public interest obligations and responding to the needs of their local communities. In doing so, we will focus here on seeking comment on the current market, regulatory, and contractual dynamics governing the relationship between local television broadcast stations on the one hand and national programmers on the other.

The obligation to operate a broadcast television station in the public interest is fundamental to holding Commission licenses.³ This obligation predates the Commission and the Communications Act of 1934, having been codified in the Radio Act of 1927.⁴ Consistent with the First Amendment, the Commission has afforded licensees leeway in meeting this obligation. But courts have long held that the First Amendment does not relieve a licensee of its public interest obligation, nor does it absolve the

¹ See, e.g., 47 U.S.C. § 303; see also *Nat'l Broadcasting Corp. v. U.S.*, 319 U.S. 190 (1943) (*Nat'l Broadcasting v. U.S.*); *Red Lion Broadcasting Co., Inc. v. FCC*, 395 U.S. 367, 389 (1970) (*Red Lion*).

² See, e.g., *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Fifth Further Notice of Proposed Rulemaking, FCC 25-72 (Oct. 29, 2025).

³ See, e.g., 47 U.S.C. § 307.

⁴ 47 U.S.C. §§ 91, 101 (1927).

Commission of its statutory duty to ensure those licensees meet public interest requirements.⁵

Much of the programming that viewers associate with TV programming is in fact provided by a national network programmer through a local broadcast TV station that affiliates with the national programmer.⁶ In these arrangements, the local broadcast TV affiliate station is the actual holder of the broadcast license. As the holder of a broadcast license, it is incumbent upon the licensee—not the network—to ensure that it is meeting its public interest obligation by providing programming that serves the needs of the communities it serves. Nonetheless, the FCC has been clear over the years that the relationships between local television stations and the national programmers are relevant to the FCC’s enforcement of the public interest standard.

Despite the importance of the network/affiliate relationship to broadcasters’ fulfillment of their public interest obligations, the FCC has not undertaken a review of the complex issues raised by that relationship in more than 15 years.⁷ Stakeholders representing the interests of affiliated or local television broadcasters have suggested that, in this time, an imbalance has developed in this relationship—that the horizontally and vertically integrated companies that now own national programming networks, cable companies, and streaming platforms can overpower affiliated broadcast television stations.⁸ This imbalance, in their view, frustrates local broadcasters in their efforts to fulfill their public interest obligations. Although the FCC does not directly regulate the national programmers as such, the Supreme Court has held that the relationship between networks and affiliates is well within the Commission’s regulatory jurisdiction.⁹ Indeed, the FCC has long had rules on its book that regulate the rights that national programmers can obtain from local television broadcasters.¹⁰

This Public Notice is an important step in gathering the information needed to consider whether the national programming networks are exerting undue influence or control over their affiliate stations, whether the Commission’s rules are operating to ensure the independence of affiliate stations, and whether the Commission’s rules require any clarification or amendment to ensure that local affiliates are empowered to meet their statutory public interest obligations.

Changes in the network/affiliate relationship. We seek comment on the status of the relationship

⁵ See, e.g., *Red Lion*, 395 U.S. at 389 (“No one has a First Amendment right to a license or to monopolize a radio frequency; to deny a station license because ‘the public interest’ requires it ‘is not a denial of free speech.’”); *Columbia Broadcasting System, Inc. v. Democratic Nat’l Committee*, 412 U.S. 94, 110 (1973) (“Only when the interests of the public are found to outweigh the private journalistic interests of the broadcasters will government power be asserted within the framework of the Act. License renewal proceedings, in which the listening public can be heard, are a principal means of such regulation.”).

⁶ See, e.g., *Review of the Prime Time Access Rule, Section 73.658(k) of the Commission’s Rules*, MM Docket No. 94-123, Report and Order, 11 FCC Rcd 546, 548-49, paras. 5-7 (1995) (summary of the industry for purchase and sale of television programming). The amount of daily programming varies greatly based on the network. See *Data Dump: Did You Know Big TV Networks Aren’t 24-Hour Services*, <https://northpine.com/2022/07/28/data-dump-did-you-know-big-tv-networks-arent-24-hour-services/> (last visited Nov. 2, 2025).

⁷ See *Network Affiliated Stations Alliance (NASA) Petition for Inquiry into Network Practices and Motion for Declaratory Ruling*, Declaratory Ruling, 23 FCC Rcd 13610 (2008) (providing additional guidance relating to the Commission rules governing network/affiliate relationships) (*NASA Declaratory Ruling*).

⁸ Letter from Mark J. Prak, Brooks Pierce, Counsel to the ABC Television Affiliates Association, the CBS Television Network Affiliates Association, the FBC Television Association, and the NBC Television Affiliates, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-261 (filed Apr. 21, 2022) (Affiliates Letter).

⁹ *Nat’l Broadcasting v. U.S.*, 319 U.S. at 2224-27 (affirming Commission finding that the public interest was not served by affiliate agreements that permitted national networks to restrict affiliates’ ability to set advertising rates).

¹⁰ See, e.g., 47 CFR § 73.658.

between the national programmers and affiliated local broadcast TV stations and how their relative bargaining positions may have changed in recent years. How have changes in the broadcast industry, such as consolidation of station ownership and the introduction of NextGen TV,¹¹ affected the relative bargaining positions of networks and their affiliates? How have changes in the broader market for video programming, including the rapid growth of streaming services and cord-cutting by consumers,¹² impacted these relative bargaining positions? Do these impacts differ for or among Big Four (*i.e.*, ABC, CBS, NBC, and Fox) network affiliates and non-Big Four network affiliates? We also seek comment on the relative bargaining positions of large station group owners as compared to smaller station group owners and single stations in negotiating affiliation agreements with networks today. Are smaller station group owners and single stations typically subject to more onerous and restrictive terms in their affiliation agreements with networks?

Licensee control over station programming and operations. Under the Communications Act and the Commission's rules, affiliates, as the licensees of local television stations, must retain ultimate control over programming, operations, and other critical decisions with respect to their stations, and network affiliations must not undermine this control.¹³ We seek comment on whether and how network affiliation agreements or the current dynamics of the network/affiliate relationship may be impeding the ability of affiliates to maintain ultimate control over the critical decisions of their stations, including station programming and operations.

We seek comment on whether such control is attributable to restrictive conditions in affiliation agreements or a result of an imbalance of power between the networks and their affiliates or other factors. Are there other network practices today that hinder the ability of their affiliate stations to maintain control over programming decisions? For example, many local affiliates object to provisions that limit their ability to negotiate directly with certain video programming distributors. Should the Commission amend or clarify its rules to address any such situations and, if so, how? What other steps can the Commission take to help ensure that network practices do not undermine the ability of stations to maintain ultimate control over their programming and operations?

Commission rules governing affiliation agreements. We seek comment on how networks are currently handling their relationships with affiliates with regard to the specific program practices governed by section 73.658 of the Commission's rules.¹⁴ Section 73.658 includes the exclusive affiliation rule;¹⁵ the

¹¹ See, e.g., *Communications Marketplace Report*, GN Docket No. 24-119, 2024 Communications Marketplace Report, 39 FCC Rcd 14116, 14281, para. 253, Fig.11.E.14 (2024) (*2024 Communications Marketplace Report*) (indicating that the three largest television station group owners each owned more than 100 stations as of May 2024); *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930, 9934, para. 6 (2017) (authorizing television broadcasters to use the Next Gen TV transmission standard on a voluntary, market-driven basis).

¹² See, e.g., *2024 Communications Marketplace Report*, 39 FCC Rcd at 14272-73, para. 238 (stating that online video distributors (OVDs) accounted for 38.5% of total U.S. viewing as of March 2024 and that OVD revenue is projected to exceed traditional MVPD revenue in 2025), at 14256, para. 204 (stating that over the past decade, cable MVPDs lost about 17.3 million subscribers and DBS and telephone company MVPDs lost about 23.2 million subscribers).

¹³ 47 U.S.C. § 310(d) (prohibiting the direct or indirect transfer of control of any station license to another entity "except upon application to the Commission and upon Commission finding that the public interest, convenience, and necessity will be served thereby"); 47 CFR § 73.3540 (requiring prior Commission consent for a voluntary assignment or transfer of control of a broadcast station license).

¹⁴ 47 CFR § 73.658.

¹⁵ *Id.* § 73.658(a) (prohibiting any clause in an affiliation agreement which prevents, hinders, or penalizes the station from broadcasting the programs of any other network).

territorial exclusivity rule;¹⁶ the option-time rule;¹⁷ the right to reject rule;¹⁸ and the dual network rule.¹⁹ Are the requirements of the Commission's rules generally observed or are there general or specific instances where network agreements violate the requirements or undermine the purpose and intent of the requirements? Commenters are encouraged to provide specific examples. What impact does such conduct have on the ability of local stations to serve the needs and interests of their communities? Have market conditions changed in the time since these rules were adopted in a manner that necessitates further Commission guidance on or clarification of these requirements? What other actions can the Commission take to ensure compliance with these requirements?

Consistent with the FCC's right to reject rule, we seek comment in particular regarding the preemption of national programming by local broadcast TV stations. As indicated in that rule, the FCC has determined that affiliation agreements should not include provisions that limit right-to-reject preemptions for "greater local or national importance" to breaking news events or any other specific type of programming; prevent affiliates from rejecting a program as "unsatisfactory or unsuitable or contrary to the public interest" because they have carried a similar network program in the past; or impose monetary or nonmonetary penalties on affiliates based on preemptions protected by the right-to-reject rule.²⁰ Should the FCC consider any changes to this rule? Are national programmers able to take actions or threaten to punish local broadcast TV stations that attempt to exercise their lawful right to preempt national programming?

Networks' undue influence over affiliation agreements. We also seek input on the extent to which networks use their positions in the market to unduly influence the terms of the affiliation agreements with their affiliate stations. For instance, the national programming networks have moved some popular programming from broadcast television to their streaming platforms, and sometimes simulcast marquee network sports programming, such as the Super Bowl and the Olympics, on their streaming platforms.²¹ Does a network's growing focus on their streaming platforms suggest that the networks hold considerable leverage today in their contract negotiations with their affiliates? We seek comment on the extent to which

¹⁶ *Id.* § 73.658(b) (proscribing any clause in an affiliation agreement which prevents or hinders another station located in the same community from broadcasting the network's programs not taken by the affiliate station, or which prevents or hinders another station located in a different community from broadcasting any program of the network).

¹⁷ *Id.* § 73.658(d) (proscribing any clause in an affiliation agreement which "prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time"). Under the option-time rule, affiliation agreements may not obligate stations to carry a network's programming or other content during certain time periods without reciprocally obligating the network to provide the content for those time periods, and may not require affiliates to carry, at some unspecified future date, unspecified digital content that the network may (or may not) choose to offer.

¹⁸ *Id.* § 73.658(e) (prohibiting any clause in an affiliation agreement which prevents or hinders the station from either "[r]ejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest," or "[s]ubstituting a program which, in the station's opinion, is of greater local or national importance").

¹⁹ *Id.* § 73.658(g) (permitting a station to affiliate with an entity maintaining two or more networks, unless the networks consist of two or more of the top four networks, *i.e.*, ABC, CBS, NBC, and Fox).

²⁰ *NASA Declaratory Ruling*, 23 FCC Rcd at 13612, para. 8.

²¹ See, e.g., Emily Barr, *Network TV Is Dead, Long Live Local TV*, TVNewsCheck (Mar. 25, 2025) (asserting that networks are moving more and more of their top-tier programming from local affiliates to their streaming platforms), <https://tvnewscheck.com/business/article/network-tv-is-dead-long-live-local-tv/>; Hank Price, *Will Stations Revolt Over Network Payments*, TVNewsCheck (Sept. 23, 2024) (asserting that networks are moving their best programming to their streaming services and that virtually all marquee sporting events are simulcast on their streaming platforms), <https://tvnewscheck.com/business/article/will-stations-revolt-over-network-payments/>.

networks may be using leverage to impose burdensome and restrictive terms in the affiliation agreements with their local affiliate stations. How have such terms impacted the ability of affiliate stations to operate as trusted sources of local news and other local programming and carry out other essential operational functions? Are there actions that the Commission could take to help restore the balance in the network/affiliate relationship and ensure that networks are not exercising undue influence over the terms of affiliation agreements?

Good faith negotiations between networks and their affiliates. Broadcast television stations and multichannel video programming distributors (MVPDs) are required under the Communications Act and the Commission's rules to negotiate retransmission consent in good faith.²² The focus of the good faith bargaining rules is not on the substantive terms of retransmission consent negotiations but rather is to ensure that the parties "meet to negotiate retransmission consent and that such negotiations are conducted in an atmosphere of honesty, purpose, and clarity of process."²³ We seek comment on whether the network/affiliate negotiation process would benefit from adoption of similar good faith bargaining rules. We also seek comment on what authority, if any, the Commission has to adopt good faith bargaining rules for networks and their affiliate stations.

Future Rulemaking. If the Commission were to consider initiating a broader proceeding, what other policy alternatives might foster competition in affiliate negotiations? In 1941, for instance, the Commission issued its Chain Broadcasting Report, which was designed to address inequities between radio networks and their affiliated stations.²⁴ In the early 1940s, radio broadcasting in the United States was almost exclusively provided by four national AM radio networks, similar to today's television broadcast market, which is dominated by the four large networks that are now horizontally integrated, owning multiple service platforms and stations, including cable, broadcasting, and streaming services.²⁵ In the Chain Broadcasting Report, the Commission found that certain regulations were necessary to address unfair practices in negotiations between the radio networks and local affiliate stations.²⁶ For example, the report stated that affiliates should be allowed to broadcast programs of other networks as well as to schedule their own programs.²⁷ Should the Commission consider adopting regulations similar to these in light of the changes in the broadcast market that have led to anticompetitive leverage and behavior by large networks?

Remedial Actions. If the FCC subsequently determines that certain contract provisions and related network practices should be prohibited by rule, we seek comment on how to address offending affiliate

²² 47 U.S.C. § 325(b)(3); 47 CFR § 76.65.

²³ *Implementation of the Satellite Home Viewer Improvement Act of 1999, Retransmission Consent Issues: Good Faith Negotiation and Exclusivity*, CS Docket No. 99-363, First Report and Order, 15 FCC Rcd 5445, 5455, para. 24 (2000) (*Good Faith Order*). The *Good Faith Order* adopted a two-part test for good faith. *Id.* at 5457, para. 30. The first part of the test sets forth an objective list of negotiation standards applicable to Negotiating Entities. 47 CFR §§ 76.65(b)(1)(i)-(ix) (listing *per se* standards for good faith negotiation). The second part of the good faith test considers whether a Negotiating Entity has failed to negotiate in good faith based on the "totality of the circumstances." *Id.* § 76.65(b)(4).

²⁴ See generally, *Nat'l Broadcasting v. U.S.*, 319 U.S. 190; Report on Chain Broadcasting, Commission Order No. 37, Docket No. 5060 (May 2, 1941) (available at <https://babel.hathitrust.org/cgi/pt?id=mdp.39015026285083&seq=5>).

²⁵ See Kimberly A. Zarkin & Michael J. Zarkin, *The Federal Communications Commission: Front Line in the Culture and Regulation Wars* 92 (Greenwood Press 2006); see also *Nat'l Broadcasting v. U.S.*, 319 U.S. at 197.

²⁶ See *Nat'l Broadcasting v. U.S.*, 319 U.S. at 198.

²⁷ See *id.* 319 U.S. at 199, 203.

agreements in order to restore full control of the license to the affiliate.²⁸ For example, should the Commission simply declare that such provisions are unenforceable and/or provide a safe harbor for affiliates and networks to renegotiate their agreements within a specified period of time not to exceed the next renewal filing period for television stations?²⁹ Moving forward, should the Commission engage in a more detailed review of affiliate agreements when reviewing license renewals in order to detect and address discriminatory or anticompetitive terms? We seek comment on these and other remedial provisions as possible avenues for the Commission to explore in addressing these marketplace issues.

Interested parties may file comments on or before the dates indicated on the first page of this document. Parties should file all comments and reply comments in **MB Docket No. 25-322**.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as an “exempt” proceeding in accordance with the Commission’s *ex parte* rules.³⁰ *Ex parte* presentations are permissible and need not be publicly disclosed, but may be if the presenter chooses.³¹

Filing Requirements. 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.

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²⁸ Parties to affiliation agreements that violate existing rules are already subject to enforcement action. Particularly egregious behavior could result in an order to file an early license renewal application, a short-term renewal period, or designation for hearing. See 47 CFR § 73.3539(c); 47 USC §§ 309(e), (k)(2)-(3).

²⁹ The first application filing deadline for the next broadcast television license renewal cycle is June 1, 2028. See 47 CFR § 73.1020(a).

³⁰ See 47 CFR § 1.1200(a).

³¹ Cf. 47 CFR § 1.1204(b)(1).

Additional Information. For further information regarding this Public Notice, please contact Kathy Berthot, Policy Division, Media Bureau, at Kathy.Berthot@fcc.gov or (202) 418-7454.

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