

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

In the Matter of)
)
Application for Consent to the Assignment of the) LMS File No. 0000284262
License of WRTV(TV), Indianapolis, Indiana, from)
Scripps Broadcasting Holdings LLC to CCB)
License, LLC)

ORDER

Adopted: February 27, 2026

Released: February 27, 2026

By the Chief, Media Bureau:

I. INTRODUCTION

1. The Media Bureau has before it the above-captioned, unopposed application seeking consent to the assignment of the license of television station WRTV(TV), Indianapolis, Indiana (WRTV), from Scripps Broadcasting Holdings LLC to CCB License, LLC (Circle City).1 The Application includes a request for waiver of the Local Television Ownership Rule2 to allow Circle City to own three television stations in the Indianapolis Designated Market Area (DMA).3 For the reasons set forth below, we grant the Waiver Request and the Application.

II. BACKGROUND

2. The Local Television Ownership Rule provides that an entity may own two television stations licensed in the same DMA if: "(i) the digital noise limited service contours of the stations . . . do not overlap; or (ii) at the time the application to acquire . . . the station(s) is filed, at least one of the stations is not ranked among the top-four stations in the DMA, based on the Sunday to Saturday, 7 a.m. to 1 a.m. daypart audience share ratings averaged over a 12-month period immediately preceding the date of the application, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service."4 Following Zimmer Radio's vacatur of the latter provision—the Top-Four Prohibition—we have determined that ownership of any two stations in a single DMA is rule compliant.5 Ownership of more than two stations, however, is impermissible, unless the Commission finds good cause to waive application of the Local Television Ownership Rule.

3. Circle City, an independent broadcaster controlled by industry veteran, and Indianapolis native, DuJuan McCoy, currently is the licensee of WISH-TV, Indianapolis, Indiana (WISH-TV), and WNDY-TV, Marion, Indiana (WNDY-TV).6 In its Waiver Request, Circle City contends that common ownership of the Stations will enhance operational efficiencies and strengthen its market position, which

1 LMS File No. 0000284262 (filed Dec. 8, 2025) (Application).

2 47 CFR § 73.3555(b) (vacated in part by Zimmer Radio of Mid-Missouri, Inc. v. FCC et al., 145 F.4th 828 (8th Cir. 2025) (Zimmer Radio)) (Local Television Ownership Rule).

3 Application, WRTV Assignment Application Multiple Ownership and Waiver Request (Waiver Request).

4 47 CFR § 73.3555(b) (vacated in part by Zimmer Radio).

5 Letter from Chief, Video Division to Sinclair, Inc., et al., Letter Order, DA 26-108 (MB Feb. 3, 2026).

6 We will refer to WISH-TV, WNDY-TV, and WRTV, collectively, as the Stations.

will, in turn, advance the public interest.⁷ Circle City also asserts that the proposed combination will not harm competition; rather, it will ensure Circle City's continuing viability as an independent local voice and preserve meaningful competition in the Indianapolis DMA.⁸

4. More specifically, Circle City argues that the proposed combination will advance the public interest by allowing it to strengthen its long-standing local service amid growing challenges, including intense competition from other broadcasters and a wide range of non-broadcast video services.⁹ Circle City submits that, despite struggling to compete for local advertising and retransmission revenue without a "Big Four" network affiliation, it has substantially increased the local news and entertainment programming on its stations. WISH-TV now broadcasts over 85 hours of local news per week, with WNDY-TV adding an additional 25 hours. In addition, Circle City airs more than 280 hours of local sports coverage per year, as well as numerous full-length community service shows.¹⁰

5. Addressing the consequences of its lack of a "Big Four" network affiliation, Circle City states that certain major multichannel video programming distributors (MVPDs) and virtual MVPDs have been unwilling to engage in retransmission consent negotiations with small, independent broadcasters.¹¹ It asserts that, without carriage by these entities, it has suffered extreme disadvantages in obtaining national, and even local, advertising.¹² Circle City contends that its acquisition of ABC affiliate WRTV, which it expects will enable it to participate in retransmission consent negotiations on a more equal footing, is "existential," such that, without a grant of its Waiver Request, it will have "no choice" but to attempt to divest WNDY-TV.¹³

6. Circle City further contends that common ownership of the Stations will, in fact, preserve meaningful competition in the Indianapolis DMA.¹⁴ Circle City observes that the market, ranked 25th by Nielsen, includes 13 full-power television stations, currently controlled by ten independent owners.¹⁵ The highest-ranked station is NBC affiliate WTHR(TV), Indianapolis, Indiana, licensed to a subsidiary of TEGNA Inc. (TEGNA). FOX affiliate WXIN(TV), Indianapolis, Indiana, and CBS affiliate WTTV(TV), Bloomington, Indiana, both licensed to a subsidiary of Nexstar Media Inc. (Nexstar), are ranked a relatively close second and third, respectively.¹⁶ WRTV is ranked fourth, and Circle City's current stations, CW affiliate WISH-TV and MyNetworkTV affiliate WNDY-TV, are ranked fifth and sixth.¹⁷ According to Circle City, commonly owned, the Stations would have less than half of the audience share

⁷ Waiver Request at 1.

⁸ *Id.*

⁹ *Id.* at 3-5.

¹⁰ *Id.* at 4, Att. B "Local Sporting Events Broadcast on WISH-TV and WNDY-TV," Att. C "Locally-Produced Programming on WISH-TV and WNDY-TV."

¹¹ *Id.* at 4.

¹² *Id.*

¹³ *Id.* at 8 ("If the combination is not permitted, given the existential circumstances of Circle City's position in the Indianapolis market, Circle City will have no choice but to attempt to divest WNDY-TV so that Circle City can acquire WRTV and its Big Four affiliation without the need for a waiver of the local television ownership rule.")

¹⁴ *Id.* at 5-8.

¹⁵ *Id.* at 1-2.

¹⁶ We note that applications are pending seeking consent to the transfer of control of TEGNA to Nexstar. *See Media Bureau Establishes Pleading Cycle for Applications to Transfer Control of TEGNA Inc. to Nexstar Media Inc. and Permit-But-Disclose Ex Parte Status for the Proceeding*, MB Docket No. 25-331, Public Notice, DA 25-1000 (MB Dec. 1, 2025).

¹⁷ *Id.* at 2.

of each of Nexstar and TEGNA, and less than one-fifth of the share of a combined Nexstar/TEGNA, in the Indianapolis DMA.¹⁸ Circle City asserts that common ownership of the Stations would position it as the “last bastion preserving competition in local news and advertising with Nexstar and TEGNA,” without creating the “market power to raise advertising rates above competitive levels.”¹⁹

III. DISCUSSION

7. Section 310(d) of the Communications Act of 1934, as amended (Act), provides that no station license shall be transferred or assigned except upon application to the Commission and upon a finding by the Commission “that the public interest, convenience, and necessity will be served thereby.”²⁰ In making this determination, we first assess whether the proposed transaction complies with the specific provisions of the Act, other applicable statutes, and the Commission’s rules.²¹ If the proposed transaction does not violate a statute or rule, we then consider whether the transaction could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes.²²

8. As noted above, the proposed transaction would result in a violation of the Local Television Ownership Rule. The Commission’s rules, however, may be waived for good cause shown.²³ When an applicant seeks waiver of a rule, it must plead with particularity the facts and circumstances which warrant such action.²⁴ Waiver is appropriate where the particular facts would make strict compliance with the rule inconsistent with the public interest, or where special circumstances “warrant a deviation from the general rule and such deviation will serve the public interest.”²⁵ In making this determination, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²⁶

9. We find that special circumstances warrant grant of the Waiver Request.²⁷ Circle City has determined that its acquisition of ABC affiliate WRTV is essential to its continuing viability as a broadcaster in the Indianapolis DMA.²⁸ As Circle City acknowledges, absent grant of the Waiver Request, this would require it to attempt to sell WNDY-TV, a prospect considerably complicated by that station’s exceedingly low audience share, as well as the lack of its own infrastructure and staff.²⁹ Any prospective buyer would have to invest significant capital to build facilities to operate the station independently, likely without garnering sufficient advertising and retransmission revenue to obtain quality

¹⁸ *Id.* at 6.

¹⁹ *Id.* at 7.

²⁰ 47 U.S.C. § 310(d).

²¹ *Applications for Consent to the Transfer of Control of Paramount Global*, Memorandum Opinion and Order, 40 FCC Rcd 5689, 5701, para. 25 (2025).

²² *Id.*

²³ 47 CFR § 1.3.

²⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, para. 2 (D.C. Cir. 1969).

²⁵ *Id.* at 1159; *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008).

²⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²⁷ The Commission previously has granted a permanent waiver of its multiple ownership rules. *See Fox Television Stations Inc.*, Declaratory Ruling, 8 FCC Rcd 5341 (1993) (permanent waiver of the newspaper/broadcast cross-ownership rule).

²⁸ *See supra* note 13.

²⁹ Waiver Request at 8 (“Because WNDY-TV has been operated in conjunction with WISH-TV for many years, WNDY-TV does not have its own infrastructure or staff in place . . .”).

programming, as Circle City's experience attests. Moreover, we cannot assume that such buyer would continue to produce and air on WNDY-TV the substantial amount of local news and community service programming that Circle City does. The public interest would not be served by severely diminishing WNDY-TV as an independently-operated station or, in the event a buyer could not be found, letting it go dark.

10. We further find that common ownership of the Stations would not harm competition in the Indianapolis DMA, but bolster it, by strengthening Circle City's position relative to station owners with significantly greater market power. In addition, Circle City commits to investing the resulting increased revenue into the Stations to deliver even greater local news, sports, and public affairs programming.³⁰ Thus, strict compliance with the Local Television Ownership Rule would be inconsistent with the purpose of that rule—promoting competition among broadcast television stations—and, therefore, inconsistent with the public interest.³¹ Moreover, we find that grant of the Application will result in more effective implementation of Commission policy by preserving and promoting increased local programming in the Indianapolis DMA.

11. Finally, based on our own review of the Application and the record in this matter, we conclude that the potential public interest benefits of the proposed combination outweigh the potential harms. Indeed, any potential competitive harm would be minimal in light of the market strength of the top three stations, the unusual breadth of the number of full-power broadcast stations in the Indianapolis DMA, and the degree of independent ownership of those stations. We have not identified any other issues or potential public interest harms that would require further consideration, and we conclude that Circle City's acquisition of station WRTV would serve the public interest.

IV. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED** that, pursuant to section 1.3 of the Commission's rules, 47 CFR § 1.3, the request of CCB License, LLC, for waiver of section 73.3555(b) of the Commission's rules, 47 CFR § 73.3555(b) (vacated in part by *Zimmer Radio*), **IS GRANTED**.

13. **IT IS FURTHER ORDERED** that the application for consent to the assignment of the license of WRTV(TV), Indianapolis, Indiana, from Scripps Broadcasting Holdings LLC to CCB License, LLC (LMS File No. 0000284262), **IS GRANTED**.

14. These actions are taken pursuant to Sections 0.61 and 0.283 of the Commission's rules, 47 CFR §§ 0.61, 0.283, and Sections 4(i) and (j), and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 310(d).

FEDERAL COMMUNICATIONS COMMISSION

Erin Boone
Chief, Media Bureau

³⁰ *Id.* at 7.

³¹ See *2014 Quadrennial Regulatory Review*, MB Docket Nos. 14-50 et al., Order on Reconsideration and Notice of Proposed Rulemaking, 32 FCC Rcd. 9802, 9833, para. 71 (2017); *2018 Quadrennial Review*, MB Docket No. 18-349, Report and Order, 38 FCC Rcd 12782, 12827, para. 81 (Local Television Ownership Rule “remains first and foremost competition-focused”).