



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 26-517
Released: May 22, 2026

**FCC'S MEDIA BUREAU SEEKS COMMENT ON PETITION BY DISNEY'S ABC ASKING
THE FCC TO DECLARE THAT *THE VIEW* QUALIFIES AS A *BONA FIDE* NEWS
INTERVIEW PROGRAM AND THUS IS EXEMPT FROM THE STATUTORY EQUAL
OPPORTUNITIES REQUIREMENTS**

MB Docket No. 26-124

Comments Due: June 22, 2026

Reply Comments Due: July 6, 2026

1. On May 7, 2026, the Disney owned TV station KTRK-TV, Houston, Texas, and KTRK-TV's parent company, American Broadcasting Companies, Inc. (ABC), filed a Petition for Declaratory Ruling (Petition) in which the companies ask the FCC to declare that the daytime TV talk show *The View* qualifies as a *bona fide* news interview program.¹ Currently, *The View* is co-hosted by Joy Behar, Alyssa Farah Griffin, Whoopi Goldberg, Sara Haines, Sunny Hostin, and Ana Navarro.

2. Decades ago, Congress made the decision to prevent covered broadcast television programs from being used to advance certain partisan political purposes. Specifically, through section 315 of the Communications Act of 1934, Congress put protections in place to ensure equal access to broadcast station facilities for legally qualified candidates for office, regardless of political affiliation. Under the law, if a broadcast station permits any legally qualified candidate for public office to use its facilities, it shall provide an equal opportunity to all other legally qualified candidates for that office. The federal equal opportunities regulations operate to prevent broadcast television stations, which have been given access to a valuable public resource (namely, spectrum), from unfairly putting their thumbs on the scale for one political candidate or set of candidates over another.

3. These regulations, which do not apply to cable channels or other forms of distribution, represent, in codified form, the decision by Congress for broadcast television stations to have an obligation to operate in the public interest—not in any narrow partisan, political interest.² The political equal opportunity regulations do not prohibit anyone from interviewing any political candidate. Rather, they generally require that a broadcaster must provide comparable time and placement to opposing legally qualified candidates. As the FCC has stated, the statutory equal opportunities requirement and the corresponding FCC rules seek to ensure that no legally qualified candidate for office is unfairly given less access to the public airwaves than their opponent.

4. At the same time, Congress has adopted certain limited exceptions to the equal opportunities requirement. For instance, Congress carved out an exception for programs that qualify as a *bona fide* news interview program. The idea, the FCC has stated, is that a qualifying program could have

¹ Petition for Declaratory Ruling of KTRK Television, Inc. and American Broadcasting Companies, Inc. (filed May 7, 2026), available at <https://www.fcc.gov/ecfs/search/search-filings/filing/10522087167981>.

² *FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations*, Public Notice, DA 26-68, 2026 WL 208684, (MB Jan. 21, 2026).

political candidates on air if, among other things, the candidates are chosen based on their newsworthiness rather than on the intention to oppose or support a particular candidate. And Congress provided the FCC with discretion to determine the scope of each exemption.

5. When considering the scope of an exemption related to a specific program, the FCC has long sought to ensure “that the content, format and participants not be intended for the political advantage of candidates.”³ Indeed, the FCC has specifically noted that certain programs that might otherwise be exempt would be excluded from an exemption category if the program was “designed for the specific advantage of a candidate.”⁴

6. As noted above, KTRK and ABC argue in their Petition that *The View* qualifies as a *bona fide* news interview program under FCC precedents. The companies also suggest in their Petition that they believe the federal equal opportunities statute itself would not survive First Amendment scrutiny today or at least if it is applied today to *The View* would not survive any such review. The companies also point to a letter from an FCC staffer from 2002 in support of their argument that *The View* qualifies as *bona fide* news.

7. By this Public Notice, the FCC’s Media Bureau seeks comment on the Petition. Does *The View* qualify as a *bona fide* news interview program? Does the federal equal opportunities statute pass relevant constitutional scrutiny, either as a general matter or as applied here? Are the relevant decisions on *The View*, including on format and participants, based on newsworthiness or on an attempt to oppose or support particular candidates within the meaning of FCC precedent? We welcome comment on these and any other relevant points.

8. *Ex Parte Rules.* The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁵ 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. 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.

9. 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

³ *Request for Declaratory Ruling That Independently Produced Bona Fide News Interview Programs Qualify for the Equal Opportunities Exemption Provided in Section 315(a)(2) of the Communications Act*, Memorandum Opinion and Order, 7 FCC Rcd 4681, 4685, para. 26 (1992); see also *Nebraska Broadcasters Association*, Declaratory Ruling, 21 FCC Rcd 10742, 10743, para. 5 (MB 2006) (“[T]he licensees of the stations on which the subject programs air remain ultimately responsible for a determination to air a particular program and should not do so for the political advantage of a candidate for public office.”).

⁴ *Petitions of the Aspen Institute Program on Communications and Society and CBS, Inc. for Revision or Clarification of Commission Rulings Under Section 315(a)(2) and 315(a)(4)*, Memorandum Opinion and Order, 55 FCC 2d 697, 705 (1975).

⁵ 47 CFR §§ 1.1200 *et seq.*

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.

10. *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 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.

11. *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).

12. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

13. *Additional Information.* For additional information on this proceeding, contact Maria Mullarkey, Policy Division, Media Bureau at Maria.Mullarkey@fcc.gov or 202-418-1067. Press inquiries should be directed to MediaRelations@fcc.gov.

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