



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 26-982

Released: September 15, 2026

MEDIA BUREAU SEEKS COMMENT ON APPLICATION FOR REVIEW OF PUBLIC NOTICE PERTAINING TO LOWEST UNIT CHARGE REQUIREMENTS

MB Docket No. 26-253

Comment Date: September 25, 2026

Reply Comment Date: September 30, 2026

The Media Bureau (Bureau) announces the procedures and other requirements governing the application for review filed by Sherrod Brown, Jon Ossoff, Roy Cooper, and Kristen McDonald Rivet (Applicants) of the Bureau's public notice reminding broadcasters and the public about preexisting law and FCC guidance pertaining to the "lowest unit charge" (LUC) requirements under section 315(b) of the Communications Act, 47 U.S.C. § 315(b), and section 73.1942 of the Commission's rules, 47 CFR § 73.1942.¹ The Bureau announces a new docket for the application for review and establishes comment and reply comment dates on the application for review.

The Public Notice addressed the applicability of the LUC to two categories of advertisements: "(1) [advertisements purchased by] authorized committees, including authorized committees that engage in joint fundraising with legally qualified candidates for federal office," and (2) "advertisements that qualify as coordinated expenditures of political parties and legally qualified candidates for federal office."²

The Television Bureau of Advertising, Inc. (TVB) filed a Petition for Reconsideration of the Public Notice.³ Sherrod Brown, Jon Ossoff, Roy Cooper, and Kristen McDonald Rivet (Applicants) filed an Application for Review of the Public Notice.⁴

There have been numerous relevant events since the filing of the Application for Review, including litigation before the United States Court of Appeals for the Fourth Circuit (Fourth Circuit) and a per curiam decision by the United States Supreme Court. In particular, on June 19, 2026, Applicants filed a Petition for Review of the Media Bureau Public Notice with the Fourth Circuit.⁵ On August 25, 2026, a divided panel of the Fourth Circuit concluded that it had jurisdiction to review the Media Bureau's Public

¹ *FCC Media Bureau Provides Guidance on Entitlement to Lowest Unit Charge for Legally Qualified Candidates for Federal Office and All Authorized Committees*, Public Notice, DA 26-300, 2026 WL 1013722 (MB Mar. 30, 2026) (Public Notice). Application for Review of Sherrod Brown, Jon Ossoff, Roy Cooper, and Kristen McDonald Rivet (Apr. 29, 2026) (Application for Review).

² *Public Notice*.

³ Petition for Reconsideration or, In the Alternative, for Declaratory Ruling of the Television Bureau of Advertising, Inc. (Apr. 29, 2026) (Petition for Reconsideration). On August 13, 2026, the Media Bureau dismissed TVB's Petition for Reconsideration. *Entitlement to Lowest Unit Charge for Legally Qualified Candidates for Federal Office and All Authorized Committees*, Order on Reconsideration, DA 26-851 (MB Aug. 13, 2026) (Order on Reconsideration).

⁴ Application for Review.

⁵ Petition for Review of Sherrod Brown, Jon Ossoff, Roy Cooper, and Kristen McDonald Rivet, No. 26-1785 (June 19, 2026) (Petition for Review).

Notice and granted the Petition for Review, setting aside the Media Bureau's Public Notice.⁶ On September 4, 2026, the Supreme Court stayed the Fourth Circuit's decision.⁷ The Court explained that the "Communications Act makes clear that an aggrieved party must wait for the Commission to resolve its application for review by order before filing a petition for judicial review."⁸ Because the Application for Review was pending when the Applicants filed their Petition for Review with the Fourth Circuit, the Court explained that the Fourth Circuit likely lacked statutory jurisdiction to address their challenge.⁹ In addition, the Court emphasized that the political parties that sought a stay would be harmed absent a stay.¹⁰ Applicants subsequently filed a petition for mandamus back in the Fourth Circuit.¹¹

In the course of challenges to the Media Bureau's Public Notice both before the Commission and the courts, some have noted a lack of public input on the Application for Review, including arguing or suggesting that releasing any decision on the Application for Review without some sort of public process would amount to a legal error. For example, in an August 25, 2026 statement, Commissioner Gomez issued a statement criticizing the Media Bureau's actions because, among other things, the "Media Bureau failed to seek public comment on the Petition for Reconsideration . . . *as well as the Application for Review*."¹² In addition, in discussing the Application for Review, the Fourth Circuit admonished the Commission because it "did not . . . seek responses from impacted parties, or engage in fact finding, or secure supplemental briefing, or solicit public comment, or schedule or conduct an oral argument."¹³

Due to these subsequent developments, which may prove critical or relevant to any FCC decision, we issue this Public Notice to facilitate public comment on the Application for Review and announce a new docket – MB Docket No. 26-253 – for all filings related to this application for review.

While the FCC generally provides the public with at least 30 days for comment, the agency determines here that a shorter timeline is more appropriate.

Service Requirements. We find good cause to waive the service requirements in section 1.115(f) of the Commission's rules,¹⁴ and instead allow commenters to file comments and reply comments in the Electronic Comment Filing System (ECFS).¹⁵ We find deviation from the general service rule for applications for review is warranted because the rule would unduly burden filers by requiring them to individually serve each party, which may be affected by potentially broad participation. In a similar context where a proceeding involves twenty or more parties, the Commission allows a public notice to take the place of individualized service by the Commission.¹⁶ A waiver of the service rule also will serve

⁶ *Brown v. FCC*, No. 26-1785, slip op. (4th Cir. August 25, 2026), *stayed by National Republican Cong. Comm. v. Brown*, 609 U.S. ____ (2026).

⁷ *National Republican Cong. Comm.*

⁸ *Id.* at *2.

⁹ *Id.* at *3.

¹⁰ *Id.*

¹¹ Petition for Writ of Mandamus to the Federal Communications Commission of Sherrod Brown, Jon Ossoff, Roy Cooper, and Kristen McDonald Rivet, No. 26-2230 (Sept. 8, 2026).

¹² Statement of Commissioner Anna M. Gomez, DA 26-851 (Aug. 13, 2026) (emphasis added), available at <https://docs.fcc.gov/public/attachments/DOC-424365A1.pdf>.

¹³ *Brown*, slip op. at *14.

¹⁴ 47 CFR § 1.115(f).

¹⁵ *Id.* § 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.").

¹⁶ 47 CFR § 1.47(a) ("In proceedings involving a large number of parties, and unless otherwise provided by statute, the Commission may satisfy its service obligation by issuing a public notice that identifies the documents required to

the public interest by reducing the burden of serving filings, thereby encouraging participation by interested parties. In this limited circumstance, we find that the filing in ECFS will provide a suitable alternative to individualized service.

Ex Parte Presentations. The pending Application for Review is a “restricted” proceeding under the Commission’s *ex parte* rules.¹⁷ All written submissions filed in this docket will be made part of the record of the pending Application for Review. *Ex parte* presentations (other than *ex parte* presentations exempt under section 1.1204(a)) to or from Commission decision-making personnel are prohibited until the proceeding is no longer subject to administrative reconsideration or review or judicial review.¹⁸

Although a written presentation is prohibited in a restricted proceeding unless it is served on Parties to the proceeding, we waive this requirement for this proceeding.¹⁹ Because all written submissions filed in response to this *Public Notice* will be available to the public on the Commission’s Electronic Comment Filing System (“ECFS”), requiring service on individual parties is unnecessary.

Filing Procedures. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments and reply comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). **All filings regarding this application for review should include the docket number established for this purpose: MB Docket No. 26-253.**

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.

Persons 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.

Action by Acting Chief, Media Bureau.

– FCC –

be served and that explains how parties can obtain copies of the documents.”); *id.* § 1.47(a), note to paragraph (a) (“The Commission expects that service by public notice will be used only in proceedings with 20 or more parties.”).

¹⁷ See 47 C.F.R. § 1.1208.

¹⁸ See *id.*; 47 C.F.R. § 1.1204(a).

¹⁹ See 47 C.F.R. §§ 1.1202(b)(1), 1.1208.