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For Immediate Release

STATEMENT OF FCC COMMISSIONER AJIT PAI
On the Third Circuit's Media Ownership Decision

WASHINGTON, May 25, 2016.—I am pleased that the U.S. Court of Appeals for the Third Circuit has struck down the FCC's unlawful attempt to sharply restrict television stations' ability to enter into joint sales agreements. When the Commission adopted this arbitrary rule two years ago, I warned that any attempt to change our treatment of joint sales agreements without also completing our statutorily mandated review of the local television ownership rule would violate the law. And today, a unanimous Third Circuit panel said precisely the same thing. The court's decision will help broadcasters continue to serve the public interest—particularly in smaller media markets, where joint sales agreements are critical to the survival of television stations and their ability to provide viewers with local news.

I also appreciate the Third Circuit's criticism of the FCC for failing to complete the 2010 quadrennial review. Congress mandated that the FCC review its media ownership rules every four years, but we've now been derelict in our duty for many years. The Third Circuit properly recognized that the FCC has failed to provide any "cogent" justification for this delay. And the court's decision makes clear that if the Commission does not complete its latest review soon, it will be doing so "at its own risk."

Perhaps most importantly, today's decision is yet more evidence that the FCC is now an agency unmoored from the rule of law. It is long past time for the Commission to respect the limits on its authority set by Congress.

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