



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Brendan Carr
Chairman

October 2, 2025

The Honorable Maxwell Alejandro Frost
United States House of Representatives
1224 Longworth House Office Building
Washington, DC 20515

RE: September 18, 2025 Letter to the FCC

Dear Ranking Member Frost:

Thank you for your September 18, 2025, letter regarding the decision by local TV stations to preempt Disney's *Jimmy Kimmel Live!*, Disney's own decision to suspend temporarily production of that program, and those businesses subsequent decisions to return Mr. Kimmel's show to the air. I welcome the chance to respond to your letter because it provides an important opportunity to set the record straight and dispel the disinformation that many people have been spreading regarding these facts.

At the outset, the claim by some that the FCC threatened to revoke broadcast licenses if Disney did not fire Jimmy Kimmel is simply incorrect. My remarks themselves, the companies' own statements, and the detailed reporting that has come to light all make this entirely clear.

What I have been talking about—and doing so for a long time now—are the unique set of rules and regulations that Congress has chosen to apply to broadcasters. Under the law, broadcasters, which are licensed to operate by the FCC, are simply different than other distributors like cable shows or podcasts or online platforms. Broadcasters originally got their spectrum from the government for free and have public interest obligations that flow from their spectrum licenses. For instance, as I mentioned, the FCC has a news distortion policy that applies to broadcasters but not to other distributors like cable shows. Stakeholders can quickly work out any concerns regarding news distortion claims or, in the alternative, if anyone chooses to bring a news distortion complaint to the FCC, I have been clear that the agency will ensure that everyone gets a fair shake and even-handed treatment.

Likewise and more broadly, the FCC has an important role to play in empowering licensed local broadcast TV stations to operate in the public interest. That includes ensuring that broadcasters have the freedom to determine whether the programming they air is serving the

needs of their local communities, including preempting national network programming that is inconsistent with their assessment of the values of their local viewers.¹

The detailed reporting on the Kimmel episode only confirms that local TV stations and Disney itself made their own decisions for their own business reasons. Indeed, Nexstar—one of ABC’s largest local broadcast affiliate groups—when announcing its decision on September 17th to preempt Mr. Kimmel’s show stated, “Mr. Kimmel’s comments about the death of Mr. Kirk are offensive and insensitive at a critical time in our national political discourse, and we do not believe they reflect the spectrum of opinions, views, or values of the local communities in which we are located.” In its statement, Nexstar went on to say, “[Giving] Mr. Kimmel a broadcast platform in the communities we serve is simply not in the public interest at the current time.”

Later that day, Sinclair—another of ABC’s largest local broadcast affiliate groups—stated that “Mr. Kimmel’s remarks were inappropriate and deeply insensitive at a critical moment for our country. We believe broadcasters have a responsibility to educate and elevate respectful, constructive dialogue in our communities.” Sinclair went on to call on Mr. Kimmel to issue a direct apology to the Kirk family.

Disney itself then announced it was preempting the program nationwide on September 17th. The detailed reporting on Disney’s decision shows that the company made its own businesses decision to pause the show after discussions that it held with Mr. Kimmel.

Disney confirmed all of this the following week. On Monday, September 22nd, Disney announced Mr. Kimmel’s show would return the next day. In its decision to reinstate Mr. Kimmel, Disney stated that “we made the decision to suspend production of the show to avoid further inflaming a tense situation at an emotional moment for our country.” Continuing, Disney added “It is a decision we made because we felt some of the comments were ill-timed and thus insensitive.” “We have spent the last days having thoughtful conversations with Jimmy, and after those conversations, we reached the decision to return the show on Tuesday.”

Shortly after Disney’s decision to bring Mr. Kimmel’s show back to ABC, Nexstar stated that it “made a decision last week to preempt ‘Jimmy Kimmel Live!’ following what ABC referred to as Mr. Kimmel’s ‘ill-timed and insensitive’ comments at a critical time in our national discourse.” Nexstar added that “We stand by that decision pending assurance that all parties are committed to fostering an environment of respectful, constructive dialogue in the markets we serve.”

Likewise, Sinclair stated, “[We] will be preempting *Jimmy Kimmel Live!* across our ABC affiliates and replacing it with news programming.” Sinclair added that “Discussions with ABC are ongoing as we evaluate the show’s potential return.”

¹ See 47 CFR § 73.658(e) (“No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which, with respect to programs offered or already contracted for pursuant to an affiliation contract, prevents or hinders the station from: (1) Rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest, or (2) Substituting a program which, in the station’s opinion, is of greater local or national importance.”).

Sinclair then ended its preemption on Friday, September 26th. In its decision to return Mr. Kimmel's show to the over-the-air communities it serves, Sinclair said, "Our objective throughout this process has been to ensure that programming remains accurate and engaging for the widest possible audience." Sinclair went on to set the record straight about how it came to the conclusion to preempt this programming, "Our decision to preempt this program was independent of any government interaction or influence. Free speech provides broadcasters with the right to exercise judgment as to the content on their local stations . . . It is simply inconsistent to champion free speech while demanding that broadcasters air specific content."

Nexstar also ended its preemption on Friday, September 26th. Nexstar said in its announcement, "As a local broadcaster, Nexstar remains committed to protecting the First Amendment while producing and airing local and national news that is fact-based and unbiased and, above all, broadcasting content that is in the best interest of the communities we serve." Nexstar continued by tracing out the critical differences between broadcast television and other forms of mass media by saying, "We stand apart from cable television, monolithic streaming services, and national networks in our commitment – and obligation – to be stewards of the public airwaves and to protect and reflect the specific sensibilities of our communities."

In closing, I want to thank you again for your letter and the opportunity to be responsive to your inquiry. The FCC has been focused over the last nine months on advancing the agency's Build America Agenda. That work includes taking important steps to advance national security, proceed with Congressionally mandated spectrum auctions, make it easier for Americans to build telecommunications infrastructure, promote the emerging space economy, and protect consumers on a myriad of issues including illegal robocalls. We will continue to advance this important agenda. I hope this additional context and information has been helpful.

Sincerely,



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