

## **“Finding the Angel of the Public Interest”**

**Remarks of Commissioner Olivia Trusty**

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Thank you for that kind introduction and thank you for having me here at the NAB Show. It is great to be with so many people who play such an important role in informing and connecting communities across the country.

In preparation for my speech today, I decided to look for inspiration from speeches given by prior Commissioners about broadcasting policy. And, in my search, I discovered that nearly 30 years ago another relatively new Commissioner, also less than a year into the job, came to Las Vegas and delivered remarks on broadcasting and the public interest.

In his 1998 speech, then-Commissioner Michael Powell described his planned approach to advancing the public interest in broadcasting. As part of that speech, he said he had hoped for a visit from what he called “the angel of the public interest,” someone who might appear and offer guidance on how to apply that standard. Although this angel never reportedly appeared to Commissioner or Chairman Powell, advancing the public interest in broadcasting is just as relevant today as it was 30 years ago. So, I thought I would take this opportunity to share how I approach the public interest standard in the broadcasting context. And, perhaps, lend my efforts to the search for that elusive angel of the public interest.

### **Defining the Public Interest**

As the Supreme Court has explained, the public interest standard gets its meaning from the purposes of the Communications Act, the requirements it imposes, and the broader statutory context. Notwithstanding this guidance, there have been ongoing legislative developments and vigorous policy debates about broadcasting and the public interest, including debates in which the Commissioner, and later Chairman, Powell himself played a major role. Looking at these issues through the lens of history and precedent, I see a number of well-defined elements of the Communications Act’s public interest mandate.

In many cases, the duties of broadcast licensees are spelled out directly in federal statutes and FCC rules. Some of these obligations are technical. They involve matters such as hours of operation for commercial stations or closed captioning requirements. Others govern the business practices of broadcasters, such as rules banning payola or requiring equal employment opportunity practices.

Still others address broadcast content. Some require broadcasters to present certain types of information, such as sponsorship identification or emergency alerts to their audiences.

And in some cases, the law restricts certain content. There are prohibitions on obscene and indecent programming, limits on commercial advertising content during children's programming, and misuse of emergency alert warnings.

Although all public interest obligations originate in the Communications Act, many have been clarified through Commission rules, policies, and precedent.

### **Longstanding Duties**

One obligation that was recently the subject of a Media Bureau public notice is the statutory "equal opportunities" requirement. Under that rule, once a broadcaster provides access to one legally qualified candidate for political office, it must provide equal opportunities to that candidate's opponents, unless an exception for *bona fide* news programming applies. Notably, the Act itself does not spell out in detail when the *bona fide* news exceptions apply. But decades of FCC precedent have developed a practical, case-by-case framework. For broadcasters that were already applying that case-by-case analysis, the Media Bureau Public Notice was simply a helpful reminder of this longstanding duty in an election year.

Localism is another core element of the public interest standard. Section 307 of the Communications Act requires the FCC to ensure a fair, efficient, and equitable distribution of service among states and communities. In practical terms, that means broadcast licensees must serve the needs and interests of the communities to which they are licensed.

Commission rules reinforce that principle. For example, licensees may not enter into network agreements that prevent them from preempting programming that is "unsatisfactory or unsuitable or contrary to the public interest," or when other programming is "of greater local or national importance."

In other words, broadcasters are expected to respond to the unique needs of their communities, not simply transmit identical programming nationwide without considering local circumstances. This responsibility is reinforced by requirements such as public inspection files and community notification during license transfers or renewals, which give local viewers and listeners an opportunity to inform the Commission about how well stations are serving their communities.

Commission precedent also reinforces this duty. For that, we can look to the Commission's news distortion policy, which reflects a simple principle: a station cannot truly serve its community if it knowingly distorts the news about important events.

### **Broadcasting at its Best**

Taken together, these public interest obligations are more than a checklist of discrete rules. They represent a broader framework designed to bring out the very best in broadcasting.

Broadcasters are at their best when they serve as trusted sources of local news. That includes reporting on events happening in local communities. But it also includes showcasing national policies that can affect people locally. For example, when the FCC acted to restrict certain foreign-produced drones from the U.S. market, that may have sounded like a national security issue, and it is. But for farmers using drones for agriculture or cities relying on them for public safety, the practical implications are very local.

Broadcasters also are at their best when providing critical information during emergencies. During this year's winter storms, radio and TV stations across the country stayed on the air, providing updates on power outages, dangerous road conditions, and severe weather. Meteorologists delivered in-depth coverage, and local reporters kept communities informed. All of this complements the essential role broadcasters play in the Emergency Alert System.

And broadcasters are at their best as a free, universally accessible source of programming, from scripted entertainment and live sports to music, educational programming and more. As the NAB recently put it: "Local broadcast stations offer something irreplaceable: universal access. They are available with no subscriptions or paywalls, through a signal to every household with an antenna. That ensures that the biggest cultural and sporting moments are not reserved for those who can afford another monthly fee." I couldn't have said it better myself.

## **FCC Policymaking in the Modern Media Marketplace**

Of course, public interest duties come with a corresponding responsibility for the FCC. As Chairman Powell explained when he appeared at the NAB Show in 2004, if broadcasting is treated differently under the First Amendment and public interest framework, then that difference carries implications for how the Commission's policy should treat broadcasters' role in the marketplace. As he put it, "Either you're different and the difference justifies government support in ways that we don't support other industries in the economy, or you're not."

Today's media marketplace includes many forms of communication that do not carry the same public interest obligations, like MVPDs, streaming services, podcasts, and countless digital platforms. But because broadcasters have accepted public interest responsibilities as part of their licenses, they occupy a unique place in the media ecosystem. That makes it critical for the FCC to ensure that broadcasters not only survive in today's competitive environment, but thrive.

In a marketplace where competition and technologies are evolving, the FCC needs to get its policies right for broadcasters and the communities they serve – from ownership regulation, to the principles guiding the ATSC 3.0 transition, to continually reevaluating its regulations to ensure their benefits truly outweigh their burdens. If the Commission achieves that goal, broadcasters will have both the ability and the right incentives to keep serving the public interest, which I see as the best way of advancing those objectives.

### **Competition, Diversity of Voices and Localism**

Historically, when evaluating structural rules such as broadcast ownership limits through a public interest lens, the FCC has focused on three core policy objectives: promoting competition, ensuring a diversity of voices, and supporting localism. As we evaluate those objectives today, we must also account for the realities of the modern media marketplace. Without commenting on specific proceedings that may come before me at the Commission, I can share a few general thoughts about how I'm currently thinking about these issues.

First, competition. Consumers today have more choices for audio and video content than ever before. The FCC's responsibility is to continue supporting that level of competition and innovation. That includes ensuring a level playing field and being cautious about regulatory approaches that might focus too narrowly on certain forms of competition while overlooking the

broader competitive environment broadcasters face. It also means updating, or eliminating, rules, consistent with our statutory authority, that may have made sense decades ago but now stand in the way of innovation.

Second, diversity of voices. The explosion of audio and video platforms has dramatically expanded the number of voices in the modern media marketplace. But within broadcasting itself, an important issue involves the relationship between local stations and national networks. Many broadcast TV stations carry network programming created at the national level. But local broadcast licensees ultimately remain responsible for the content they broadcast. Ensuring that local stations have both the incentive and the ability to reflect the voices of their local communities, alongside national programming, is an important part of the discussion.

Third, localism. Some critics argue that policies designed to strengthen broadcasters economically could undermine localism. I think that debate is worth having. But I also see reasons for optimism.

In recent visits with broadcasters in Kansas and Utah, they emphasized that localism is broadcasters' comparative advantage. They explained that local news, weather, and sports are still "appointment viewing," and they are working to expand local programming. In a crowded media marketplace, broadcasters succeed precisely because they understand and serve their local communities better than anyone else.

And we continue to see strong examples of the work being done by broadcasters in the areas where localism has been most important. For example, Washington, D.C.'s own WTOP radio covered a wide array of local subjects in 2025, from culinary training programs, to senior living activities, to dance programs, to a local bus driver who helped return a woman with dementia to her family, and more. These are examples of localism in action.

When it comes to free-to-the-public audio and video, NAB recently touted how the NBA All-Star Game saw a significant jump in viewership with its return to broadcast TV. Studies have shown that sports unite Americans of all stripes. Simply put, it is in the public's interest to have free, broadly available access to sports. And it's not just professional and major college sports that are important – I recently heard about a broadcaster in Mississippi who regularly receives calls of thanks from grandparents who cannot attend high school games in person, but still can hear their grandchildren's games on the radio.

In addition to the direct benefits for local viewers and listeners of sports programming, for decades the partnership between sports leagues and broadcasters has helped underpin local stations' public interest efforts more broadly. Sports drives viewers. And that viewership drives advertisers. It's why Congress extended an antitrust exemption to sports leagues for their rights negotiations with "sponsored telecasts." But when sports migrate behind a streaming paywall, that public interest is no longer being served, and the need for government immunity is less clear.

Chairman Carr identified this as a real issue of concern to the American public. Indeed, more than 8,000 people have submitted comments at the FCC — with 98 percent of those comments expressing frustration with the streaming migration trend and their hope that broadcast will remain the pre-eminent platform for watching their favorite team. Getting broadcast policy right includes empowering broadcasters to respond to this widely felt consumer need and ensure broadcasters' continued ability to serve local communities not only through sports but other programming, as well.

Beyond sports, broadcasters also are innovating in public safety. ATSC 3.0 can enable a GPS alternative known as the Broadcast Positioning System. Stations also are experimenting with advanced emergency alert capabilities using ATSC 3.0. In the Commission's pending evaluation of its emergency alert rules, NAB emphasized how radio and TV stations have remained active during emergencies, delivering needed information and warnings to their communities. And during National Suicide Prevention Month last year, stations across the country aired programming highlighting mental health resources, including WKRC in Cincinnati highlighting mental health issues for veterans and publicizing the 988 Suicide Prevention Lifeline. Just last month I had the opportunity to visit WIBW in Topeka, Kansas, which received a NAB Leadership Foundation award for its "Hear Me See Me" mental health awareness programming.

When it comes to news, local broadcasters continue to score highest in public trust, despite the challenges they face. I have seen firsthand how broadcasters are working to maintain that trust through their daily operations and by highlighting what sets local broadcasters apart from other news sources, such as regulatory oversight that fosters accountability and transparency, and oversight through their relationship with the community that encourages local journalists to prioritize balanced reporting.

But more than half of local broadcast TV newsrooms reportedly are unprofitable on a stand-alone basis, and even as broadcasters see potential for new technologies like AI to improve the mechanics and efficiency of distributing their content, their newsrooms confront new burdens responding to third party reports based on AI-generated hoaxes or misinformation that can be prevalent on social media. A strong financial footing will better position broadcasters to meet and overcome those challenges.

Finally, the Commission's renewed emphasis on ensuring broadcasters live up to their public interest obligations, while working to empower them to do so better, is a further reason for optimism. "Trust but verify" enables a nimble approach better tailored to today's media marketplace even if it can require more work for a regulator than placing uncritical faith in bright-line rules.

### **Finding the Angels of the Public Interest**

This brings me back to the search for the angel of the public interest. Chairman Michael Powell said in his 1998 speech that he never received that visit. But sometimes I wonder if the search ended a little too soon or we haven't been looking in the right place.

The modern word "angel" comes from a Greek word meaning "messenger." And when I think about messengers serving the public and communities across the country, I can't think of anyone better suited to that role than radio and TV broadcasters.

If the FCC gets the policy framework right, supporting broadcasters, while ensuring accountability to the law, FCC rules, and longstanding legal doctrine, I believe broadcasters themselves could serve as the "angels of the public interest," delivering trusted information, connection, and service to the local communities that rely on them. Achieving that distinction will require continued work ahead to empower broadcasters to compete on a level playing field while cementing an unwavering commitment to serve the public interest both now and in the future.

I look forward to working with you all in the years to come to strengthen broadcasting and expand the public interest benefits it provides to communities you serve across America. Thank you.