NEWS FROM THE FEDERAL COMMUNICATIONS COMMISSION

FCC Replaces National Broadcast Ownership Cap

New Approach Will Apply a Case-by-Case Review That Only Authorizes Deals That Satisfy the Agency's Public Interest Review Standard

WASHINGTON, August 6, 2026—Today, the Federal Communications Commission voted to repeal its 39% national television multiple ownership rule and replace it with a granular, case-by-case review. This will empower the FCC to approve deals that promote the public interest while allowing the agency to reject any deals that do not meet that standard. Through today's action, the Commission exercises its authority to modify the FCC rule for the first time in over 20 years and align it with current market realities.

The video marketplace has changed dramatically with the proliferation of digital platforms—all of which enjoy unrestricted national reach. Streaming services now reach over 80% of U.S. adults and this scale provides them with a competitive edge in terms of attracting investment capital and increased advertising revenue. Eliminating the national cap will allow broadcasters to better compete with these unregulated digital giants. The market also reflects a growing imbalance of power in the network-affiliate relationship, which the national cap intended, but failed to curb, as evidenced by network control over online video carriage, preemption rights and revenue sharing requirements.

In its current formulation, the national cap generally has operated as a blanket prohibition on transactions that would result in the merged entity achieving a national audience reach greater than 39% of television households. As applied, the rule generally presumed that it would not be in the public interest to allow a particular deal in excess of 39%. Shifting from a relatively inflexible, *ex ante* regulation to a case-by-case assessment will help ensure that the Commission carries out its statutory mandates without having to show special circumstances that would justify a waiver of a rule that no longer serves the public interest.

Under a case-by-case approach, the Commission's interests in localism, viewpoint diversity, and competition (to the extent they are implicated in a case) can be fully analyzed and vindicated in the context of a specific transaction. There may be transactions that would have exceeded the limits of the 39% national cap that do not promote the public interest and those will be denied. On the other hand, there may be transactions that would have exceeded the cap that do promote the public interest and could gain Commission approval.

Today's action reflects the Commission's position that it retains statutory authority to repeal the rule, as multiple agency Chairs—both Republican and Democrat alike—have consistently stated. While Congress has at times directed the Commission to change its rules, Congress has never withdrawn the Commission's authority under the Communications Act to regulate or change ownership limits.

Action by the Commission August 6, 2026 by Report and Order (FCC 26-53). Chairman Carr and Commissioner Trusty approving. Commissioner Gomez dissenting. Chairman Carr, Commissioners Gomez and Trusty issuing separate statements.

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