

**DISSENTING STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *Priority Application Review for Broadcast Stations that Provide Local Journalism or Other Locally Originated Programming*; Notice of Proposed Rulemaking; MB Docket No. 24-14

This one is a head scratcher.

My colleagues wanted to seek comment on prioritizing the FCC's processing of applications filed by broadcasters that provide locally originated programming. I was happy to support them and their proposal. I am not sure the idea will make much difference in the real world, but I don't see how it can do much harm. So I looked forward to offering my colleagues my support.

But then things went sideways fairly quickly. When I read the item, I was surprised to learn that it did something entirely different and separate from just proposing the prioritization of locally originated programming. It also raised the FCC's 2017 decision to repeal the main studio rule and determined—even though this is a Notice of Proposed Rulemaking with no evidentiary record before the agency—that this 2017 decision was an error. Of course, there is no basis for asserting that conclusion here, but more fundamentally there is no reason to get into that rule at all in this Notice. There are plenty of ways that the FCC can ground its prioritization proposal in the agency's long-standing and statutorily-grounded commitment to localism.

So I suggested a few edits to my colleagues along those lines. Let's cut back on the discussion of the main studio rule, which we don't need to get into here, and then move forward together with the localism proposal. After all, the Notice does not propose to reinstate the main studio rule, so dialing back the discussion seems like low hanging fruit. These changes represented the types of edits in service of finding common ground that had become common at the agency in recent years.

But, surprisingly, I was told that these edits were a no go. My colleagues were only interested in moving forward with the localism proposal if they could also cast aspersion on the separate main studio rule along the way. Odd. That's their choice, of course, but it is not one that I support. It also introduces unnecessary litigation risk. How can the FCC ground its localism proposal in the FCC's record-less conclusion that the 2017 main studio repeal was an error while simultaneously not proposing to reinstate that rule? Anyways, that will be for my colleagues to figure out.

For my part, I hope that this episode is just an isolated hiccup in our otherwise good working relationship. I will certainly work hard to find common ground with my colleagues on the next item. I hope that they reciprocate my willingness.