

**CONCURRING STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: In the Matter of Mission Broadcasting, Inc., Licensee of Station WPIX, New York, NY; Nexstar Media Group, Inc., Notice of Apparent Liability for Forfeiture.

In 2019 and 2020, Nexstar and Mission sought FCC approval for transactions that involve TV station WPIX. In the course of those FCC reviews, the parties provided the FCC with express and detailed information about their relationship. In particular, the parties disclosed to the FCC that Nexstar would provide all of the programming for WPIX, that Nexstar would collect all of the revenue from the station (including retransmission consent revenues), and that Nexstar had entered into an option to purchase WPIX, among other specifics. After reviewing those disclosures, the FCC approved the relevant transactions, finding that it would serve the public interest.

Flash forward to today, and in this Notice of Apparent Liability (NAL) the FCC cites to those previously disclosed and reviewed features of the Nexstar – WPIX relationship as indicia that Nexstar may be exercising too much control over WPIX. To be sure, the NAL cites additional features of the relationship, as well as facts that apparently emerged after the relevant FCC approvals. Those FCC allegations will require careful review. But it is concerning to me that the FCC cites as evidence of control those features of the relationship that the FCC previously signed off on. We need to be careful that we do not undermine reasonable reliance on prior FCC decisions.

NALs are not final decisions on the merits. And I will keep an open mind as the FCC reviews the record in response to this document. Part of that will require the FCC to ensure that any remedies the agency finds necessary are ones that are appropriate given the procedural posture of this enforcement action.