

**DISSENTING STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *Political Programming and Online Public File Requirements for Low Power Television Stations; Amendment of the Commission's Rules to Advance the Low Power Television, TV Translator and Class A Television Service*, Notice of Proposed Rulemaking, MB Docket Nos. 24-147 and 24-148.

For years, newspapers were closing in communities all across America. Thousands of publications went out of business, and the spotlights that their newsrooms and gumshoe reporters illuminated, for the stories that mattered most to their neighbors and fellow citizens, went dark. America is not better off for this loss.

For years, the FCC observed this decline in local newspapers. And the agency did nothing about it. As newspapers struggled—for various reasons—to generate the revenues and raise the investments necessary to stay in business, the FCC kept in place outdated regulations that prevented additional capital from flowing into the newspaper industry. When the FCC finally eliminated its newspaper / broadcast cross-ownership ban in 2017, it was too late for many of the mastheads.

Now, academics can go back and forth over how much of a difference it would have made if the FCC had modernized its regulations sooner, but the fact is that the FCC's artificial decision to keep constraints on investment in place did not help.

The FCC is approaching a fork in the road. Many segments of the broadcast industry are facing many of the same types of headwinds that newspapers previously confronted. And the FCC has many legacy regulations on the books that are not only preventing capital from flowing to broadcasters, but are also artificially raising their costs of doing business and forcing them to compete against unregulated Big Tech companies with one hand tied behind their backs.

So here's the choice we confront. The FCC can continue down the path of keeping legacy regulations on the books that are plainly doing more harm than good—while patting ourselves on the backs for retaining rules that previous Commissions predicted would serve the interests of localism, diversity, and competition in the context of a media marketplace that no longer exists today. Or we can do something else—we can modernize our rules, we can eliminate the restraints on broadcasters that no longer make sense in today's media marketplace, and we can unleash broadcasters to compete on level playing field with their Big Tech competitors.

I think we have an obligation to do the latter. That is why I have described this as a break glass moment for broadcasters. Unfortunately, this FCC has chosen the former. You can see it in this FCC's decision to increase regulations on broadcasters through the Quadrennial Review—a proceeding that Congress directed us to undertake for the purposes of reducing regulations. You can see it in the FCC's decisions to scuttle multiple broadcast transactions without even affording the parties a fair hearing or process. You can see it in the FCC's decision to impose new regulations relating to local broadcast content. You can see it in the FCC's recent vote to revive an unnecessary FM duplication rule that the agency eliminated back in 2020. And you can see it here.

Today's NPRM is particularly perplexing. It does not merely seek to keep legacy rules on the books; it proposes to ratchet up the regulation of low power television (LPTV). Our LPTV rules reflect a bargain struck more than 40 years ago to spur local programming in rural America. In exchange for being limited to lower power levels in sparsely populated regions without legal protection from harmful interference, LPTV stations were subjected to fewer regulatory burdens. In particular, LPTV stations—many of which are small businesses operating under financial stress—were exempt from various recordkeeping rules, including the public file rules, that apply to their full power counterparts. But after

more than 40 years, and with no valid justification, today's NPRM proposes to undo that bargain by extending assorted paperwork requirements on LPTV stations for the first time ever.

This proposal comes at precisely the wrong moment, and it is exactly the opposite of what we need to ensure that local broadcasters remain on the air. I dissent