

FCC Approves Nexstar-TEGNA Merger, Court Pauses It

The FCC's Media Bureau has approved applications proposing the transfer of control of TEGNA, Inc. to Nexstar Media, Inc. in a *Memorandum Opinion and Order* (DA 26-267) in Docket 25-331, granting waivers of the national and local television ownership caps. The transaction will bring TEGNA's portfolio—64 full-power television stations, along with certain radio and ancillary licenses—under Nexstar's control in a cash merger valued at \$22 per share. Following consummation, TEGNA will become a wholly owned subsidiary of Nexstar Media Group.

The combined company's stations would reach approximately 54.5 percent of U.S. television households when calculated using the FCC's UHF discount (counting only 50 percent of the households within the service area of UHF stations), exceeding the 39 percent national ownership cap and necessitating a waiver. The merger also required waivers of the local ownership limit as well. Under current rules, no more than two full-service television stations are permitted to be under common control in

continued on page 7

Appellate Court Affirms Dismissal of Trump's 'Big Lie' Defamation Suit

In a decision with implications for defamation claims involving political speech, the U.S. Court of Appeals for the Eleventh Circuit has affirmed dismissal of a lawsuit brought by Donald Trump against CNN, holding that the network's use of the phrase "Big Lie" constituted non-actionable opinion rather than a false statement of fact.

This case arose from CNN's repeated characterization of Trump's claims that he won the 2020 presidential election as the "Big Lie." Trump sued CNN in U.S. District Court in Miami. He argued that the phrase implied a comparison to Adolf Hitler's propaganda tactics and therefore amounted to defamation. The court dismissed the complaint with prejudice, finding that the challenged statements were

continued on page 9

Broadcast Rules Updated To Reflect Modern Filing and Processing Practices

The FCC has adopted a *Report and Order* (FCC 26-14) in Docket 24-626 modernizing its broadcast rules to align with current systems, eliminate outdated provisions, and codify existing Media Bureau practices. The changes are largely noncontroversial and were broadly supported by industry commenters. These rule amendments were proposed in a *Notice of Proposed Rulemaking* (FCC 24-126) in 2024 and the Commission received public comments about them. Some of the changes concern revising technicalities in the wording of rules, updating obsolete terms, and/or deleting rules or provisions that have become moot. The more substantive amendments adopted in this proceeding are discussed below.

Signature Rule

Probably the most significant amendment to the Commission's regulations adopted in this *Order* concerns expansion of the signature rule. Until now, Section 73.3513 of the rules has specified that a broadcast application must be

continued on page 8

IN THIS ISSUE

Marketplace Competition Report	2
Lowest Unit Charge Rule	2
Audible Crawl Waiver	3
Pledge America Campaign	3
Deadlines to Watch	4-5
Army-Navy Game	6
War Coverage Warning	6

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FCC Seeks Comment for 2026 Communications Marketplace Competition Report

The FCC has begun preparation of its next biennial report on competition in the communications marketplace and is seeking public input. Under statutory requirements, the FCC must issue this report in the final calendar quarter of each even-numbered year. The report evaluates competition across markets delivering voice, video, audio, and data services, including providers such as telecommunications carriers, commercial mobile services, multichannel video programming distributors (MVPDs), broadcast stations, satellite providers, internet service providers, and other communications platforms. The FCC's Office of Economics and Analytics has released a Public Notice (DA 26-333) in Docket No. 26-78 soliciting data, analysis, and comment to assist it in drafting the report. The report is intended to inform both FCC policymaking and congressional oversight of the communications sector.

The Commission is required to assess all forms of competition, including:

- Intermodal competition (across different technologies)
- Facilities-based competition
- Competition from emerging and non-traditional services

The FCC will also examine whether existing laws, regulations, or marketplace practices create barriers to market entry or expansion. Commenters are asked to provide data for 2024 and 2025, along with information on notable trends and developments in 2026. The agency encourages submissions that include consistent, comparable historical data to support trend analysis.

For video services, the FCC proposes analyzing competition across several categories:

- Broadcast television stations
- MVPDs and virtual MVPDs (vMVPDs)
- Free ad-supported streaming television (FAST) providers

- Internet-based, on-demand video services

The Commission seeks input on both competition within these categories and between them. It is also requesting information on business models, competitive strategies, and any regulatory or marketplace constraints on market entry or growth.

The FCC is seeking information on topics including:

- Pricing
- Service offerings and features
- Subscription and usage trends
- Effects of vertical and horizontal consolidation on competition and programming diversity
- Technological developments
- Coverage of state and local issues
- Fragmentation of programming across platforms
- Operating and financial metrics
- Market entry and exit activity

In the audio marketplace, the FCC proposes examining:

- Terrestrial broadcast radio
- Satellite radio
- Online and internet-delivered audio

As with video, the Commission seeks information on both intra- and inter-category competition, as well as any barriers to market entry or expansion. Specific areas of interest include:

- Industry participants and market structure
- Trends in pricing, services, and consumer behavior
- Coverage of local and community issues
- Ratings, subscribership, and revenue data
- Capital investment and technological deployment
- Market entry and exit trends

Comments are due **May 21, 2026**. Reply comments must be filed by **June 2, 2026**.

Guidance Published for Lowest Unit Charge Rules

The FCC's Media Bureau has released a Public Notice (DA 26-300) to remind broadcasters about the lowest unit charge ("LUC") rules, and to clarify how they apply to political advertising during the 2026 election cycle.

Under Section 315(b) of the Communications Act and the FCC's rules, commercial broadcast stations must offer to sell political advertising time during a political campaign season at the lowest rate charged for the same class and amount of airtime. This restriction pertains during the 45-day period immediately prior to a primary election, and during the 60-day run-up to the general election. A schedule of primary election dates and the related LUC periods for states with future primaries this year is found elsewhere in this newsletter.

Advertisers qualified to take advantage of the LUC include legally qualified candidates for federal office, candidates' authorized campaign committees, and political parties that are coordinating advertising expenditures with

qualified candidates.

A candidate's committees could include a principal campaign committee or any committee formally designated by the candidate, including joint fundraising committees. The FCC's rules do not recognize distinctions between types of political committees for LUC purposes, provided that the committee is formally authorized by the candidate and is qualified under the Federal Election Campaign Act. This statute broadly encompasses any committee designated by a candidate to fundraise or make expenditures on behalf of the candidate.

Advertising purchased by independent committees or political parties that is not coordinated with a candidate is not eligible for LUC.

Broadcasters are encouraged to request documentation to verify that the purchaser of political advertising is actually entitled to LUC.

Audible Crawl Waiver for Emergency Graphics Extended Until Late 2027

On its own motion, the FCC’s Media Bureau has extended, for another 18 months, its longstanding waiver of a rule requiring broadcasters to provide audio descriptions of visual, non-textual emergency information—such as radar maps—aired during non-newscast programming. The waiver now runs until the earlier of November 29, 2027, or Commission action on a pending rulemaking petition filed by the National Association of Broadcasters (“NAB”). The Bureau adopted this action in a *Memorandum Opinion and Order* (DA 26-339) in Docket 12-107.

The rule at issue—Section 79.2(b)(2)(ii), often referred to as the “Audible Crawl Rule”—requires that emergency information presented visually during regular programming be made accessible to blind or visually impaired viewers via a secondary audio stream. This includes non-textual content like weather radar images and maps. The deadline for compliance with this rule was originally set for May 26, 2015. However, due to the lack of technology capable of converting such graphic images to audio, the deadline has been extended several times, most recently until May

26, 2026. Adequate technology continues to be unavailable to provide the experience for the visually impaired that the rule anticipates.

The extension is tied to the ongoing rulemaking proceeding in which the NAB is seeking modifications to the rule to better reflect current technical realities. While the FCC did not prejudice that petition, the additional time is intended to allow consideration of potential rule changes and/or development of feasible compliance technologies.

During a brief period in 2024 when the waiver was not in effect, NAB reported that many stations ceased displaying non-textual visual emergency information during non-newscast programming to ensure that they would not be subject to Commission enforcement actions. Extending the waiver is intended to alleviate those concerns and encourage stations to transmit emergency information as they are able to do. The Bureau also observed that much of the critical information shown in graphics is typically duplicated in text crawls, which are already aurally accessible.

FCC Launches ‘Pledge America Campaign’

FCC Chairman Brendan Carr has announced a new initiative aimed at encouraging broadcasters to highlight American history and civic education as the country approaches the 250th anniversary of independence on July 4, 2026. Broadcasters are invited to voluntarily participate in the “Pledge America Campaign” by airing programming celebrating that milestone. The campaign is tied to the White House’s “Salute to America 250” initiative, a yearlong celebration featuring events intended to highlight American history, civic values, and national heritage.

In his public announcement, Carr said broadcasters are uniquely positioned to support this effort because of their longstanding public interest obligations and their connection to local communities. He encouraged stations to use their platforms to promote civic education and highlight stories reflecting the nation’s history and ideals.

The announcement outlines several examples of programming that stations could air as part of the campaign. These include:

- Public service announcements, short segments, or special programs focusing on American history or civic education.
- News features highlighting local historic sites, including National Park Service locations or other regional

landmarks.

- Daily historical features, such as “Today in American History” segments.
- Patriotic music programming, including works by composers such as John Philip Sousa, Aaron Copland, Duke Ellington, or George Gershwin.
- Opening-day patriotic elements, such as starting the broadcast day with the national anthem or the Pledge of Allegiance.
- Partnerships with local organizations working on historical or civic initiatives.

In announcing the campaign, Chairman Carr emphasized that civic education has declined in recent years and suggested that broadcasters can help fill that gap by providing accessible, engaging content about American history and institutions. The initiative frames such programming as consistent with broadcasters’ traditional public interest mission to inform and educate their local communities. Stations may choose to publicly indicate their commitment to the campaign and highlight related programming to their audiences, but the FCC announcement does not impose new regulatory obligations. Participation in this initiative is voluntary.



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

<p>April 1 Deadline to place EEO Public File Report in Public Inspection File and on station's internet website for all nonexempt radio and television stations in Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, and Texas.</p> <p>April 1 Deadline for all broadcast licensees and permittees of stations in Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, and Texas to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).</p> <p>April 1 Mid-Term EEO review begins for certain radio stations in Delaware and Pennsylvania, and certain television stations in Texas.</p> <p>April 10 Deadline to place Issues/Programs List for previous quarter in Public Inspection File for all full service radio and television stations and Class A TV stations.</p>	<p>April 10 Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.</p> <p>April 10 Deadline for Class A Television stations to place quarterly documentation about Class A eligibility in Public Inspection File</p> <p>June 1 Deadline to place EEO Public File Report in Public Inspection File and on station's internet website for all nonexempt radio and television stations in Arizona, District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia, and Wyoming.</p> <p>June 1 Mid-Term EEO review begins for certain radio stations in Delaware and Pennsylvania, and certain television stations in Texas.</p>
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Deadlines for Comments in FCC and Other Proceedings

DOCKET

COMMENTS REPLY COMMENTS

(All proceedings are before the FCC unless otherwise noted.)

<p>Docket 26-74; Public Notice (DA 26-314) Drone operations and licensing</p> <p>Docket 26-85; Public Notice (DA 26-376) Assignment of TV stations from IYNO Broadcast Licenses, LLC to ION Television License, LLC</p> <p>Docket 26-74; Public Notice (DA 26-314) Drone operations and licensing</p>	<p>May 1</p> <p>Petitions to Deny May 18</p> <p>May 21</p>	<p>May 18</p> <p>Oppositions June 2</p> <p>June 22</p>
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Cut-Off Date for AM and FM Applications to Change Community of License

The FCC has accepted for filing the applications identified below proposing to change the community of license for each station. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **May 1, 2026**. Informal objections may be filed any time prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Leesburg, FL	Geneva, FL	WLBE(AM)	n/a	790
Lincolnton, GA	Appling, GA	WLCZ	254	98.7
Valparaiso, IN	Hobart, IN	WAKE(AM)	n/a	1500
Bangor, ME	Norridgewok, ME	WZON(AM)	n/a	620
Starkville, MS	Artesia, MS	WMSU	221	92.1
Indian Trail, NC	Weddington, NC	WLNK-FM	265	100.9
Hebbronville, TX	Bruni, TX	KXAV	202	88.3
Middlebury, VT	Bridport, VT	WCLY(AM)	n/a	1490



DEADLINES TO WATCH



Lowest Unit Charge Schedule For 2026 Political Campaign Season

During the 45-day period prior to a primary election or party caucus and the 60-day period prior to the general election, commercial broadcast stations are prohibited from charging any legally qualified candidate for federal elective office (who does not waive his or her rights) more than the station's Lowest Unit Charge ("LUC") for advertising that promotes the candidate's campaign for office. Lowest-unit-charge restrictions in connection with statewide primary elections are now or soon will be in effect in the following jurisdictions. Some of these dates may be subject to change.

STATE	ELECTION DATE	LUC PERIOD	STATE	ELECTION DATE	LUC PERIOD
Indiana	May 5	Mar. 21 – May 5	New York	June 23	May 9 – June 23
Ohio	May 5	Mar. 21 – May 5	Utah	June 23	May 9 – June 23
Nebraska	May 12	Mar. 28 – May 12	Colorado	June 30	May 16 – June 30
West Virginia	May 12	Mar. 28 – May 12	Arizona	July 21	June 6 – July 21
Louisiana	May 16	Apr. 1 – May 16	Kansas	August 4	June 20 – Aug. 4
Alabama	May 19	Apr. 4 – May 19	Michigan	August 4	June 20 – Aug. 4
Georgia	May 19	Apr. 4 – May 19	Missouri	August 4	June 20 – Aug. 4
Idaho	May 19	Apr. 4 – May 19	Virginia	August 4	June 20 – Aug. 4
Kentucky	May 19	Apr. 4 – May 19	Washington	August 4	June 20 – Aug. 4
Oregon	May 19	Apr. 4 – May 19	Tennessee	August 6	June 22 – Aug. 6
Pennsylvania	May 19	Apr. 4 – May 19	Hawaii	August 8	June 24 – Aug. 8
California	June 2	Apr. 18 – June 2	Connecticut	August 11	June 27 – Aug. 11
Iowa	June 2	Apr. 18 – June 2	Minnesota	August 11	June 27 – Aug. 11
Montana	June 2	Apr. 18 – June 2	Vermont	August 11	June 27 – Aug. 11
New Jersey	June 2	Apr. 18 – June 2	Wisconsin	August 11	June 27 – Aug. 11
New Mexico	June 2	Apr. 18 – June 2	Alaska	August 18	July 4 – Aug. 18
South Dakota	June 2	Apr. 18 – June 2	Florida	August 18	July 4 – Aug. 18
Maine	June 9	Apr. 25 – June 9	Wyoming	August 18	July 4 – Aug. 18
Nevada	June 9	Apr. 25 – June 9	Massachusetts	Sept. 1	July 18 – Sept. 1
North Dakota	June 9	Apr. 25 – June 9	New Hampshire	Sept. 8	July 25 – Sept. 8
South Carolina	June 9	Apr. 25 – June 9	Rhode Island	Sept. 8	July 25 – Sept. 8
Oklahoma	June 16	May 2 – June 16	Delaware	Sept. 15	Aug. 1 – Sept. 15
Maryland	June 23	May 9 – June 23			

Paperwork Reduction Act Proceedings

The FCC is required by the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications, and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
FM translator and booster station construction permit application, Form 2100, Schedule 349	May 4
Broadcast station assignments and transfers of control, Form 2100, Schedules 314 and 315	May 5
LPTV interference, Section 74.703	May 26
Modification of LPTV transmission system, Section 74.751	May 29
Filing of LPTV license applications, Sections 74.165, 74.432, 74.832	May 29
LPTV silent periods, Section 74.763	May 29
AM directional antenna field strength measurement, Section 73.61	June 1
Low power auxiliary broadcast stations co-channel coordination with television broadcast stations, Section 74.802	June 1
Remittance advice form, Form 159	June 5
LPTV and Class A TV applications, Form 2100, Schedule D	June 15

President Orders Broadcast Protection for Army–Navy Game

In an intersection of sports, national tradition, and communications policy, President Trump has issued an executive order aimed at preserving an exclusive broadcast time slot for the annual Army–Navy football game. In *Executive Order 14396*, he declares it to be the policy of the United States that no college football game, including College Football Playoff (CFP) contests or other postseason matchups, should be broadcast in direct conflict with the Army–Navy Game, traditionally played on the second Saturday in December.

The President frames the Army–Navy Game as more than a sporting event, describing it as a “symbol of excellence and the American spirit” with more than a century of tradition. The order emphasizes the game’s role in highlighting the nation’s military service academies and boosting morale, particularly within the armed forces. Against that backdrop, the President expressed his concern that the expansion of the college football playoffs and related postseason scheduling could dilute national attention by providing competing broadcasts of other games at the same time.

The *Order* directs the Secretary of Commerce and the Chairman of the FCC to coordinate implementation of this concept with key stakeholders, including the CFP Committee, the National Collegiate Athletic Association, broadcasters and media rights holders, and other relevant federal agencies. The

objective is to establish an exclusive window during which no other college football games are broadcast. The FCC Chairman is instructed to consider whether broadcasters’ existing public interest obligations could support treating the Army–Navy Game as a national service event.

The *Order* does acknowledge certain limitations that are standard in presidential orders. It relies primarily on interagency coordination and voluntary compliance by private stakeholders rather than direct regulatory mandates. It explicitly states that:

- It does not override existing statutory authority of federal agencies.
- Implementation must be consistent with applicable law and available appropriations.
- It creates no enforceable legal rights for private parties. For broadcasters and rights holders, the order raises several practical considerations:
- Networks carrying CFP or other postseason games may face pressure to avoid overlap with the Army–Navy Game.
- The FCC’s potential review of public interest obligations could introduce new considerations in license renewal or policy proceedings.
- Media rights agreements may need to account for a federally encouraged protected window.

FCC Chairman Warns Broadcasters About War Coverage

On March 14, FCC Chairman Brendan Carr issued a pointed warning to broadcasters regarding their coverage of the war in Iran. In a post on X, Carr wrote that “broadcasters that are running hoaxes and news distortions—also known as fake news—have a chance now to correct course before their license renewals come up.” He added, “The law is clear: broadcasters must operate in the public interest, and they will lose their licenses if they do not.”

Carr’s comments followed statements by President Trump on Truth Social, in which he sharply criticized media coverage of the conflict. Trump alleged that certain reports were fabricated using artificial intelligence and disseminated as “fake news.” He further asserted that such reporting was knowingly false and suggested that outlets responsible for spreading it should face serious consequences.

Later that same day, Carr reinforced his position during an interview with CBS News. He pushed back against the notion that broadcast licenses function as permanent property rights, emphasizing instead that they are conditioned on service to the public interest. “People have gotten used to the idea that licenses are some sort of property right,” Carr said, “and there’s nothing you can do

that can result in losing them. I try to help reorient people—broadcast is different.”

Trump also expressed support for Carr’s regulatory posture, praising the Chairman for examining the licenses of what he described as “corrupt and highly unpatriotic” news organizations. He argued that broadcasters benefit from access to public spectrum and should be held accountable for how it is used.

The remarks quickly drew bipartisan criticism. Lawmakers and media advocates argued that such statements could be interpreted as threats to press freedom and raise serious First Amendment concerns. Despite the backlash, Carr maintained that broadcasters still have “a chance now to correct course” ahead of upcoming license renewals. The next television license renewal cycle is scheduled to begin for East Coast stations in mid-2028.

Among the most forceful responses was that of Senator Ed Markey, who wrote to Carr accusing him of attempting to pressure broadcasters into aligning with administration messaging. Markey characterized the warning as an “authoritarian attempt to weaponize the FCC’s statutory authority to censor the media” and called for Carr’s resignation.

FCC Approves Nexstar-TEGNA Merger, Court Pauses It continued from page 1

a Designated Market Area (“DMA”). This transaction results in 23 DMAs where that maximum limit is exceeded. The Bureau granted waivers for those 23 markets, conditioned upon Nexstar’s commitment to divest certain stations.

In the Telecommunications Act of 1996, Congress directed the Commission to set the national reach cap at 35 percent of all households. In the Consolidated Appropriations Act of 2004, Congress instructed the FCC to increase the limit to 39 percent after the agency had attempted to set it at 45 percent on its own initiative. Because the statute refers to the limit as an element of the Commission’s rules, the Bureau reasoned that the agency has the authority to revise the cap just as it could amend any other of its rules.

Opponents—including multichannel video programming distributors (“MVPDs”), public interest groups, and competing media entities—argued that the transaction would increase retransmission consent fees, reduce viewpoint diversity, and harm local labor markets. The Bureau rejected those claims, finding that the record did not demonstrate likely public interest harms sufficient to deny the transaction or impose additional conditions. It also declined to adopt proposed remedies such as restrictions on retransmission pricing practices or additional structural limits. Instead, the Bureau relied on Nexstar’s voluntary commitments to expand investment in local news and programming, and to maintain retransmission consent rates for a defined period of time. The Bureau determined that consolidation of the station groups would provide the context for more balance between the licensees of local stations and the “Big Four” commercial networks (ABC, CBS, Fox, and NBC). The Bureau concluded that the transaction would produce net public interest benefits and would not result in material harm to consumers or competition.

The decision highlights a shift in how the FCC is applying its ownership rules. Rather than rigidly enforcing caps adopted in a prior media era, the Bureau emphasized the need to account for competition from streaming services, digital platforms, and national content providers. The *Order* frames consolidation as a means of strengthening local broadcasting, particularly in the face of declining traditional media revenues and increasing competition for audience and advertising dollars.

The FCC’s lone Democrat, Commissioner Anna Gomez, issued a Statement sharply criticizing the Media Bureau’s action. She argued that the *Order* “is wrong on the law, wrong on the policy, and the process by which it was issued is indefensible.” She asserted that the Media Bureau does not have authority to act on issues that the Commission has not previously decided. It cannot act on matters that are new or novel. She said that the Commission has not previously determined whether the 39 percent national audience reach cap set by Congress can or should be raised or waived.

Secondly, Commissioner Gomez posited that the FCC itself does not have authority to raise or waive the statutory 39 percent national audience limit. Under her reading of the 2004 Act, Congress directed the FCC to set the national cap at 39 percent, removed this limitation from the Congressionally mandated review process, established an ongoing divestiture requirement for any entity that exceeds the 39 percent

limitation, and affirmatively stated that the Commission was prohibited from forbearing to enforce the statutory provision.

Nexstar and TEGNA closed on the \$6.2 billion transaction promptly after the FCC granted their applications. However, on the following day, the attorneys general of eight states (California, Colorado, Connecticut, Illinois, New York, North Carolina, Oregon, and Virginia) filed a Motion for a Temporary Restraining Order (“TRO”) in Federal district court in Sacramento, California. The states argue that Nexstar rushed to close the deal immediately after receiving approval from the FCC and early termination of antitrust review by the Department of Justice (“DOJ”), despite pending litigation and requests for a timing agreement. The states asked the court to prevent Nexstar and TEGNA from commingling their assets during the litigation so as to preserve the court’s ability to impose meaningful remedies if the merger is ultimately blocked. The states emphasized that once operational integration occurs, unwinding the transaction becomes significantly more difficult—one of the central justifications for emergency injunctive relief.

A core issue in the case concerns the theory of market power held by affiliates of the Big Four commercial networks in retransmission consent negotiations with MVPDs. The states alleged that the merger violates Section 7 of the Clayton Act by substantially lessening competition in the market for licensing Big Four broadcast content to MVPDs. The states asserted that the DOJ’s early termination of its review does not preclude the judicial review of the FCC’s decision.

The states pointed out that:

(1) Nexstar and TEGNA were head-to-head competitors in retransmission consent negotiations in at least 30 DMAs.

(2) The merger eliminates that competition, particularly in overlapping markets.

(3) The combined entity gains enhanced leverage to demand higher retrans fees, which are typically passed through to consumers.

The filing underscored that Big Four programming is considered “must-have” content by MVPDs, limiting substitution and strengthening broadcasters’ negotiating position. They argued that three primary categories of harm can result from this mergers:

(1) Larger station groups historically command higher fees; the merger amplifies that dynamic.

(2) Increased MVPD costs are expected to flow through to subscriber bills.

(3) The loss of competition may diminish incentives to invest in local news and content diversity.

DirecTV also filed a Motion for a TRO, making many of the same arguments.

The court granted the Motions and then subsequently issued a preliminary injunction to prohibit the merger from going forward until there is a resolution on the substantive merits of the case, on which the plaintiffs are likely to prevail (in the court’s opinion). Nexstar and TEGNA are compelled to continue to segregate their assets and maintain those assets separately pending resolution of this litigation. The case will now proceed to an antitrust trial on the merits, although Nexstar has indicated it will appeal the restraining order.

Broadcast Rules Updated To Reflect Modern Filing and Processing Practices continued from page 1

signed by the individual applicant, a partner of the applicant partnership, an officer of an applicant that is a corporation or unincorporated association, or the duly elected or authorized representative of an applicant governmental entity. The Media Bureau has adopted the practice of also accepting the signature of a director of a corporate applicant.

Under the new rule, the Commission will also accept the signature of a “duly authorized employee” on an application filed by a corporation, partnership, unincorporated association, or government entity. Commenters raised concerns about the potential ambiguity of this term. The Commission addressed those fears by directing the Media Bureau to interpret the term, “employee,” broadly as circumstances may require, to take account of all types of employees (whether paid or unpaid) and the varied roles and positions that each organization and entity may utilize. The Bureau is to construe “employee” to include members and volunteers that are under the direct control of the organization and are authorized by the applicant organization to sign and file an application. This may include various workforce titles at the various entities that file applications. The Bureau is to consider and assess this broad array of potential positions based on each applicant’s unique organizational structure. Although the Commission will interpret the term, “employee,” broadly, the agency emphasizes that a signer must be “duly authorized” to do so. The Commission clarifies that independent consultants and professionals (such as consulting engineers and attorneys) outside of the applicant organization will not fall within the “duly authorized” framework and therefore will not be acceptable signers of applications.

The signature rule is strictly enforced. An application that does not bear an acceptable signature is dismissed and cannot be corrected with an amendment. A proposal to moderate this practice was considered in this proceeding. Various commenters supported allowing an application dismissed with a signature defect to be reinstated *nunc pro tunc* (with the same status it had when dismissed) if it is amended with a proper signature. Despite relaxing the definition of acceptable signers, the Commission declined to adopt this proposal, observing that strict adherence to the signature requirements is critical in holding applicants accountable for the truthfulness and accuracy of their applications.

Limit on AM Power Increase

Section 73.3571 of the FCC’s rules requires that an AM station proposing a power increase without changing its antenna site must request a power increase of at least 20 percent. In this *Order*, the Commission deleted this provision from the rules in the interest of giving AM stations greater flexibility.

Technical STAs

When a station is prevented from operating within its normal authorized parameters, the licensee may need to request a special temporary authorization (“STA”) to operate out of parameters temporarily. Section 73.1635 provides that a STA may be granted for up to 180 days. The exception to this concerns STAs necessitated by technical problems. In that event, according to the rule, the STA should be for no longer than 90 days. In practice, the Media Bureau has been granting most STAs needed for any reason for 180 days. The Commission is now deleting the provision in the rule about a 90-day limit for technical STAs.

Informal Objections

A party wishing to object to an application who does not have standing to file a formal petition to deny, or who wants to object to an application against which petitions to deny do not lie, may file an informal objection. An informal objection can be filed at any time until the FCC acts on the application. Contrary to the procedural rules governing a petition to deny an application, the Commission’s regulations do not require the objector to provide a copy of the pleading to the applicant, nor are there any rules about the nature or timing of responsive pleadings.

The Commission had proposed to revise the informal objection rules to: (1) require that informal objections and responsive pleadings be served upon the relevant applicant or objector, (2) limit the type of responsive pleadings, and (3) impose filing deadlines for responsive pleadings.

Comments responding to these proposals were mixed. The Commission decided that imposing new requirements and restrictions on the informal objection process might inhibit robust public participation. The agency found that the current rule strikes an appropriate balance to promote critical participation from members of the public. No changes were adopted for the informal objection process.

Appellate Court Affirms Dismissal of Trump Defamation Suit Against CNN About ‘Big Lie’ Characterization continued from page 1

expressions of opinion and that Trump failed to plausibly allege falsity or actual malice (as is required for a public figure plaintiff). Trump appealed to the Eleventh Circuit. The panel of three appellate judges framed their ruling within the rubric of defamation law:

1. “Big Lie” Deemed Opinion, Not Fact.

The court concluded that CNN’s use of the phrase “Big Lie” was not a verifiable statement of fact but rather a subjective characterization of Trump’s conduct. Because defamation requires a false statement capable of being proven true or false, the claim failed at the threshold. Drawing on precedent, the court analogized “Big Lie” to politically charged descriptors such as “fascist” or “radical right,” which courts have long held to be too imprecise and debatable to support defamation liability.

2. Competing Interpretations Are Not Falsity.

The court rejected Trump’s argument that CNN’s interpretation of his conduct was false simply because he viewed his actions differently. The court reiterated that differing subjective interpretations—particularly in political contexts—do not establish falsity.

3. Volume of Alleged Statements Is Irrelevant.

Trump pointed to thousands of instances where CNN used the phrase, “Big Lie.” The court dismissed this argument, holding that repetition does not transform a non-actionable opinion into a defamatory statement.

4. Court, Not Jury, Decides Fact vs. Opinion.

Reaffirming established doctrine, the court emphasized that whether a statement constitutes fact or opinion is a question of law for the court—not a factual issue for a jury.

For broadcasters, the decision reinforces several important principles:

- Political rhetoric remains highly protected under the First Amendment, particularly where language is evaluative, interpretive, or hyperbolic.
- Labeling or characterizing conduct without asserting verifiable facts generally falls outside defamation liability.
- Courts will assess whether a reasonable audience would interpret language as opinion rather than factual assertion.

The decision is *Trump v. CNN*, 2025 U.S. App. LEXIS 30126.