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Antenna™

An update on broadcasting law & issues from Donald E. Martin

Supreme Court Upholds FCC Forfeiture Process

In a major ruling affecting FCC enforcement authority, the U.S. Supreme Court has upheld the Commission's longstanding forfeiture procedures, concluding that the agency may issue forfeiture orders without first providing a jury trial, as long as any effort to collect an unpaid penalty ultimately proceeds through a de novo court action.

The Court reversed a Fifth Circuit decision that had threatened to undermine the FCC's principal forfeiture enforcement mechanism. The case arose from FCC enforcement actions against AT&T and Verizon over their handling of customer location data. The Commission imposed forfeitures of approximately $57 million against AT&T and $47 million against Verizon after concluding that the carriers failed to adequately protect sensitive location information.

The carriers argued that the FCC's administrative forfeiture process violated the Seventh Amendment right to a jury trial. They relied heavily on the Supreme Court's 2024 decision in *SEC v. Jarkesy*, which held that the Securities and Exchange Commission ("SEC") could not impose certain civil penalties through in-house administrative proceedings

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FCC Reiterates Broadcasters' Public Interest Obligations

The FCC has released a Public Notice (DA 26-530) reminding radio and television broadcasters that their licenses carry an ongoing obligation to serve the "public interest, convenience, and necessity" and warning that the Commission will actively review whether stations are meeting that responsibility. While the Public Notice does not establish any new substantive rules, its forceful language suggests that the Commission intends to place renewed emphasis on localism and public interest performance in future licensing and enforcement proceedings.

The Notice reiterates the Commission's longstanding position that broadcast licensees are "public trustees" of the spectrum and that their use of the public airwaves is

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FCC Sets August Window for New Reserved-Band NCE FM Translators; Adopts Filing Caps and Eligibility Rules

The FCC's Media Bureau has set the schedule for the first-ever filing window for new noncommercial educational (NCE) reserved-band FM translator stations. In a pair of recent Public Notices (FCC 26-37 and DA 26-601), the Commission established application limits and eligibility requirements for applicants and announced that the filing window will run from August 11 until August 25, 2026. The reserved FM band includes the frequencies from 88.1 to 91.9 MHz.

The Bureau also announced a temporary filing freeze affecting LPFM, FM translator, and FM booster minor modification applications. The freeze will begin at 11:59 p.m. Eastern Time on July 10, 2026, and remain in effect until

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ABC Challenges Early License Renewal Order as Unlawful and Unconstitutional

In a Public Notice (DA 26-541) in Docket 25-131, the FCC's Media Bureau has established a pleading cycle for the early license renewal applications filed by ABC's owned television stations, formally accepting the applications for filing, and opening the proceeding to public participation in this high-profile case. The action follows the Bureau's April *Order* (DA 26-416) requiring ABC to seek early renewal of its television licenses while the FCC continues to investigate allegations of unlawful employment discrimination by the company. The proceeding involves ABC's owned-and-operated stations in New York, Los Angeles, Chicago, Philadelphia, San Francisco, Houston, Fresno, and Durham, North Carolina. The Bureau announced that petitions to deny the renewal applications must be filed by June 29, with oppositions due July 29 and replies due August 5.

Ordinarily, the licenses of the ABC stations would not come up for renewal until dates ranging from 2028 to 2030. However, Section 73.3539 of the FCC's rules permits the Commission to require early renewal applications when it determines that doing so is essential to the proper conduct of an investigation. According to the earlier *Order*, the FCC has been investigating whether ABC engaged in prohibited employment practices involving hiring, promotion, compensation, or workplace opportunities based on race, gender, or other characteristics. The Commission stated that requiring early renewal applications was necessary to facilitate that investigation and to evaluate whether the stations have been operating in the public interest.

The Public Notice reiterates the statutory standard governing broadcast license renewals. Under Section 309(k) of the Communications Act, the Commission must determine whether the station served the public interest during the preceding license term, whether there were any serious violations of the Communications Act or FCC rules, and whether other violations constitute a pattern of abuse. If those standards are not met, the FCC may designate the applications for hearing, grant the renewals subject to conditions or for a shortened term, or ultimately deny the license renewal application.

In an exhibit accompanying license renewal application, ABC has formally and stridently challenged what it calls the FCC's unprecedented order requiring all eight ABC owned-and-operated television stations to file early license renewal applications, arguing that the agency's action is unlawful, arbitrary, and unconstitutional. ABC stated that it is submitting the applications "under protest" and urged the FCC to rescind the Media Bureau order mandating the early renewal applications. According to ABC, the Commission has not required early renewals in more than 50 years and has never before required such filings simultaneously from a group of commonly owned stations affiliated with a network.

ABC argues that the order lacks any legitimate regulatory purpose because the FCC already possesses broad investigative authority and is conducting an ongoing investigation into ABC employment practices through the Enforcement Bureau. ABC notes that it has already produced more than 11,000 pages of documents in response to FCC inquiries and contends that the early renewal process adds nothing to the agency's investigative capabilities.

The company contends that the FCC is attempting to evaluate diversity, equity, and inclusion practices under standards that have never been formally adopted or explained. ABC argues that the Commission has never identified what specific conduct would violate its Equal Employment Opportunity rules in this context and therefore cannot lawfully impose penalties based on previously unannounced standards. It claims that such an approach would violate both the Administrative Procedure Act and constitutional due process protections.

The statement also challenges the FCC's legal authority to demand an early renewal application. ABC argues that Section 309(k) of the Communications Act requires the Commission to evaluate license renewals based on a station's performance during the entire preceding license term. Because none of its stations has completed its current eight-year license term, ABC asserts that there is no completed term available for review and that Congress intended renewal proceedings to occur only at the end of a license term.

ABC also contends that the FCC's action violates the First Amendment by using the broadcast licensing process to pressure or punish broadcasters for disfavored speech. The filing cites numerous public statements by government officials concerning ABC's news and entertainment programming and argues that the early renewal order constitutes an attempt to chill protected speech, both at ABC and throughout the broadcast industry. ABC claims that the FCC's approach in this matter sends a broader warning to all broadcasters that editorial decisions could invite regulatory scrutiny.

ABC further argues that the accelerated renewal schedule itself is prejudicial. The station notes that broadcasters typically have years of advance notice before renewal applications are due and often spend months preparing the necessary filings. In this case, the station was given only 30 days to prepare an application for each of its eight stations. The Media Bureau subsequently denied ABC's request for an additional 60 days to complete the filings.

The statement concludes that the FCC's action ultimately harms the public by threatening the independence of broadcasters and potentially discouraging robust journalism and editorial decision-making. ABC reserved all rights and arguments concerning the legality of the FCC's order while complying with the filing requirement under protest.

California Court Enjoins Broadcast of Kars4Kids Ad

A California Orange County Superior Court judge has ruled that the long-running Kars4Kids advertising campaign violates the state's false advertising and unfair competition laws. The judge ordered the charity that owns the campaign to refrain from broadcasting the advertisement in California unless and until the spot is revised to truthfully disclose relevant facts.

In a decision following a bench trial (i.e. a trial before the judge without a jury), the judge found that the familiar "1-877-Kars4Kids" radio and television jingle misled donors by failing to disclose material information about the organization's mission and the use of donated funds. The court concluded that the advertisements violated California's False Advertising Law and Unfair Competition Law.

The lawsuit was brought by a California resident who donated a non-operational vehicle after hearing the Kars4Kids advertisements. The plaintiff testified that he believed his donation would benefit underprivileged children generally, and specifically children in California, and that he was unaware that the organization primarily supports Oorah, a Jewish outreach organization operating largely in New York and New Jersey.

The court found that Kars4Kids' advertising omitted material facts, including the organization's religious affiliation, the geographic location of its primary beneficiaries, and the fact that much of the organization's funding supports programs extending beyond children to families and young adults. The court emphasized testimony from Kars4Kids' chief operating officer acknowledging that the organization's advertisements do not explain the charity's specific mission or disclose that most funds are directed to Oorah.

As a remedy, the court permanently enjoined Kars4Kids from airing its jingle or similar advertisements in California unless future ads include audible disclosures regarding the organization's religious affiliation, the geographic location of its primary beneficiaries, and the age range of those beneficiaries. The court also prohibited the charity from using images of prepubescent children to solicit donations intended primarily to benefit adults. (The spot features young children simulating performance of a rock band concert.) The ruling further requires Kars4Kids to cease non-compliant advertising in California within 30 days and to pay the plaintiff $250 in restitution. The plaintiff was also awarded costs and may seek attorneys' fees as the prevailing party.

The decision underscores the legal risks that can arise when broadcast fundraising appeals omit information that a court later determines would be material to donors. Although the case arose under California consumer protection statutes, broadcasters airing charitable advertising may wish to monitor any appeal and consider the decision's broader implications for sponsorship and fundraising messaging that relies heavily on emotional appeals while providing little substantive information about the sponsoring organization.

The citation for this decision is *Puterbaugh v. Oorah, Inc.*, No. 30-2021-01216844-CU-BT-CJC (Cal. Super. Ct., Orange County, May 8, 2026).

Transfer-of-Control Issue Leads to Early Renewal Requirement

In a second instance of what was, until recently, a very rare approach to enforcement, the FCC has ordered a station group owner to file applications to renew its licenses in the midst of what would otherwise be the normal eight-year license term. The FCC's Media Bureau issued an *Order* (DA 26-413) making this demand of Bridge News, LLC. Bridge News is the licensee of some 83 low power television stations scattered across the United States. As described elsewhere in this newsletter, the Commission has similarly required ABC to file early license renewal applications for its television stations.

The Bureau has been investigating Bridge News for unauthorized transfers of control. It issued two Letters of Inquiry to Bridge, but has not been satisfied with what it characterized as Bridge's "purported" responses. Bridge claims that the issue arises from misunderstandings about incorrect ownership information that it inadvertently submitted in one or more assignment applications and ownership reports during the period from 2022 to 2024. It maintains that no actual functional transfer of control occurred. However, the Commission has determined that calling for Bridge's early renewal applications was "necessary to the proper conduct of an ongoing investigation."

The deadline for Bridge to file its renewal applications was in late May. The Media Bureau has now issued a Public Notice (DA 26-540) to set the deadlines for a pleading cycle about those applications in Docket 26-130. Petitions to deny the applications are due by June 29. Oppositions may be filed until July 29, and the deadline for reply pleadings is August 5.

DEADLINES TO WATCH

License Renewal, FCC Reports & Public Inspection Files

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**.

June 1 — Deadline for all broadcast licensees and permittees of stations in **Arizona, District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia**, and **Wyoming** 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).

June 1 — Mid-Term EEO review begins for certain radio stations in **Delaware** and **Pennsylvania**, and certain television stations in **Arizona, Idaho, Nevada, New Mexico, Utah,** and **Wyoming**.

July 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.

July 10 — Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.

July 10 — Deadline for Class A Television stations to place quarterly documentation about Class A eligibility in Public Inspection File.

August 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 **California, Illinois, North Carolina, South Carolina,** and **Wisconsin.**

August 3 — Deadline for all broadcast licensees and permittees of stations in **California, Illinois, North Carolina, South Carolina,** and **Wisconsin** 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).

August 3 — Mid-Term EEO review begins for certain television stations in **California**.

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
Historic preservation review process, Forms 620, 621	June 29
Broadcast station chief operator, Section 73.1870	June 29
Rebroadcasting, Sections 73.1207, 74.784, 74.1284	June 29
LPFM construction permit application, Form 2100, Schedule 318	July 6
AM directional antenna field strength measurement, Section 73.61	July 8
Broadcast construction permit application, Form 2100	July 13
Remittance Advice Form 159	July 13
LPTV and Class A TV license modification application, Form 2100, Schedule D	July 17
Class A TV license application, Forms 2100, Schedule F	July 17
Notice of hearing, Section 1.221	July 27
Motion to enlarge, change or delete issues, Section 1.229	July 27
Prehearing and hearing conferences, Section 1.248	July 27
Recordkeeping for LPTV, TV translator, FM translator stations, Sections 74.781, 74.1281	July 28
Political candidate advertising rates, Section 73.1942	Aug. 10
Foreign adversary control report, Form 5655	Aug. 17

DEADLINES TO WATCH

Deadlines for Comments in FCC and Other Proceedings

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

DOCKET	COMMENTS	REPLY COMMENTS
Docket 12-107; 3rd FNPRM (FCC 26-31) Audible crawl rule	Past	June 29
Docket 26-130; Public Notice (DA 26-540) Bridge News stations license renewal applications	Petitions to Deny June 29	Oppositions July 29
Docket 26-131; Public Notice (DA 26-541) ABC TV stations license renewal applications	Petitions to Deny June 29	Oppositions July 29
Docket 26-124; Public Notice (DA 26-517) ABC Petition for Declaratory Ruling re "The View"	Past	July 6

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
Colorado	June 30	May 16 – June 30
Arizona	July 21	June 6 – July 21
Kansas	August 4	June 20 – Aug. 4
Michigan	August 4	June 20 – Aug. 4
Missouri	August 4	June 20 – Aug. 4
Virginia	August 4	June 20 – Aug. 4
Washington	August 4	June 20 – Aug. 4
Tennessee	August 6	June 22 – Aug. 6
Hawaii	August 8	June 24 – Aug. 8
Connecticut	August 11	June 27 – Aug.11
Minnesota	August 11	June 27 – Aug. 11
Vermont	August 11	June 27 – Aug. 11
Wisconsin	August 11	June 27 – Aug. 11
Alaska	August 18	July 4 – Aug. 18
Florida	August 18	July 4 – Aug. 18
Wyoming	August 18	July 4 – Aug. 18
Massachusetts	Sept. 1	July 18 – Sept. 1
New Hampshire	Sept. 8	July 25 – Sept. 8
Rhode Island	Sept. 8	July 25 – Sept. 8
Delaware	Sept. 15	Aug. 1 – Sept. 15

Proposed Amendments to the Television Table of Allotments

The FCC is considering petitions to amend the digital television Table of Allotments by changing the channels allotted to the communities identified below. The deadlines for submitting comments and reply comments are shown.

COMMUNITY	STATION	PRESENT CHANNEL	PROPOSED CHANNEL	COMMENTS	REPLY COMMENTS
Alamogordo, NM	KAVD	*4	*11	July 24	Aug. 10

(*) Indicates that the channel is reserved exclusively for noncommercial broadcasting.

Proposed Amendments to the FM Table of Allotments

The FCC is considering an amendment to the FM Table of Allotments by deleting the channel allotted to the community identified below. The deadlines for submitting comments and reply comments are shown.

COMMUNITY	PRESENT CHANNEL	PROPOSED CHANNEL	COMMENTS	REPLY COMMENTS
Selmer, TN	288A	None	July 24	Aug. 10

DEADLINES TO WATCH

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 **July 13, 2026**. Informal objections may be filed any time prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Hapeville, GA	North Decatur, GA	WJZA(AM)	n/a	1100
Tompkinsville, KY	Park City, KY	WWZG	221	92.1
Oakland, MD	Chalkhill, PA	WKTQ	222	92.3
Trenton, NJ	Jobstown, NJ	WNJE(AM)	n/a	920
N. Wilksboro, NC	Stony Point, NC	WKBC-FM	247	97.3
Falfurrias, TX	Premont, TX	KDFM	277	103.3

FILING WINDOW FOR APPLICATIONS FOR NEW NCE FM TRANSLATORS

12:01 AM ET, AUGUST 11, 2026 THROUGH 6:00 PM ET, AUGUST 25, 2026

FILING FREEZE FOR MINOR MODIFICATION APPLICATIONS FOR LPFM, FM TRANSLATOR, AND FM BOOSTER STATIONS

12:59 PM ET, JULY 10, 2026 THROUGH 6:00 PM ET, AUGUST 25, 2026

Petition Seeking Repeal of News Distortion Policy Dismissed

The FCC's Media Bureau has issued a *Letter* order (DA 26-615) to dismiss, without prejudice, a petition seeking repeal of the Commission's longstanding news distortion policy. The Bureau found that the filing was not procedurally cognizable under the Commission's rules.

The pleading, styled as a Petition for Special Relief, was submitted to the FCC last November by a group of 11 former senior FCC officials, including seven ex Commissioners of both political parties. They were later joined by the Radio Television Digital News Association. The petitioners argued that the policy is constitutionally problematic, and alleged that as currently being implemented by the Commission, it is definitely contrary to the First Amendment. They asserted that the policy lacks a meaningful purpose because the FCC has no legitimate interest in or authority for correcting or punishing what it considers to be slanted news coverage.

The Bureau did not address the merits of the petition. Instead, it concluded that the filing failed to identify any Commission rule authorizing the relief requested. The Bureau noted that while the FCC's rules provide for various types of petitions and pleadings, the petitioners did not specify under which rule their filing was brought.

The Bureau observed that Section 76.7 of the Commission's rules permits petitions for "special relief" in certain cable-related matters, such as requests to waive Part 76 rules, resolve complaints, or initiate enforcement proceedings. However, those procedures do not appear to pertain to a request seeking wholesale repeal of the Commission's news distortion policy.

Concluding that the petitioners "failed to present their request in a manner that is cognizable under our rules," the Bureau dismissed the petition without prejudice, leaving open the possibility that the parties could refile their request using an appropriate procedural vehicle.

The dismissal means that the FCC's existing news distortion policy remains unchanged. Because the Bureau's action addressed only procedural issues, it did not reach the substantive question of whether the Commission should continue to maintain or enforce that policy.

Revised Foreign Sponsorship Identification Rules Effective as of June 7

The FCC's Media Bureau has issued a Public Notice (DA 26-526) confirming that revised foreign sponsorship identification requirements for broadcast programming provided by foreign governmental entities became effective as of June 7, 2026.

The revised rules stem from the Commission's 2024 order modifying the foreign sponsorship announcements involving foreign governmental entities. Updated procedures were established that broadcasters may use to satisfy their duty of inquiry regarding the source of programming. Under the revised rule, licensees have two options for demonstrating compliance with their obligation to investigate whether programming has been sponsored, paid for, or furnished by a foreign governmental entity. The licensee should memorialize that it has complied with foreign sponsorship due diligence requirements either:

(A) by executing a written certification attesting to the licensee's compliance and by seeking a written certification from the program sponsor; or

(B) by asking the program sponsor to provide screenshots of its searches of the Department of Justice's FARA (Foreign Agent Registration Act) website and the Commission's semi-annual U.S.-based foreign media outlets reports, in the event that the program sponsor has stated it is neither a FARA agent nor a U.S.-based foreign media outlet, and asking the program sponsor to provide other information needed to make such a determination.

The Bureau emphasized that all new time brokerage agreements and renewals of existing agreements entered into on or after June 7, 2026, must comply with the revised requirements.

At the same time, the Bureau announced that it is postponing for up to two years— or until further notice— compliance with these technical requirements applicable to advertisements and paid public service announcements that could otherwise fall within the foreign sponsorship rules. According to the Bureau, the delay will allow the Commission additional time to assess the costs and burdens associated with these requirements and determine whether sufficient public benefits justify their implementation.

The Bureau noted that the record currently does not indicate the existence of any advertisements or paid PSAs that would otherwise be subject to these provisions. Nevertheless, the FCC cautioned that broadcasters may still face liability if they knowingly accept foreign-sponsored advertising without complying with applicable sponsorship identification obligations.

It is only the due diligence requirement that is suspended. The existing on-air disclosure requirements remain fully applicable whenever a station has actual knowledge that an advertisement or paid PSA has been provided by a foreign governmental entity.

FCC Reiterates Broadcasters' Public Interest Obligations *continued from page 1*

conditioned on service to their local communities. The FCC stressed that, unlike cable operators, streamers, and Internet platforms, broadcasters receive free access to scarce spectrum and therefore assume unique public interest responsibilities.

The Notice repeatedly cites judicial precedents recognizing broadcasters as fiduciaries of a public resource and emphasizes that local service remains a core component of broadcast regulation. According to the FCC, stations must continue to air programming responsive to the needs and interests of their communities of license and must make programming decisions in the public interest rather than solely in response to the preferences of national networks.

Although the Commission acknowledged that many traditional regulatory requirements—such as ascertainment procedures, the main studio rule, and program origination requirements—have been eliminated, it stressed that those deregulatory actions did not diminish broadcasters' underlying public interest obligations. The agency specifically highlighted the continued importance of quarterly Issues and Programs Lists, describing them as a key indicator of whether a station is serving its community.

The FCC also reminded broadcasters that several substantive obligations remain fully in effect, including the prohibitions against news distortion and broadcast hoaxes, equal opportunities requirements for political candidates, and restrictions on obscene, indecent, and profane programming.

The Commission warned that it will continue to conduct a "robust review" of license renewal, assignment, and transfer applications to determine whether stations have fulfilled their public interest responsibilities. The Notice states that, where the FCC determines a broadcaster has failed to serve the public interest, the agency may impose enforcement sanctions, grant only short-term or conditioned renewals, require early renewal filings, or designate applications for hearing.

The Public Notice concludes by encouraging broadcasters to review their current practices to ensure full compliance with their statutory obligations and cautions that the Commission "will not hesitate" to exercise its authority to ensure that broadcast licensees satisfy their public interest responsibilities.

FCC Sets August Window for New Reserved-Band NCE FM Translators; Adopts Filing Caps and Eligibility Rules *continued from page 1*

the close of the filing window. The freeze covers all such stations on the entire FM band – both the noncommercial reserved band and the commercial nonreserved band.

Who May Apply

To participate in the window, an applicant must already be the licensee or permittee of an existing noncommercial FM station, noncommercial AM station, or LPFM station that will serve as the primary station for the proposed translator. The translator must rebroadcast that commonly identified primary station. The Commission rejected proposals that would have allowed entities without existing broadcast authorizations to participate in the window. The FCC concluded that limiting eligibility to existing noncommercial broadcasters will reduce speculative applications and ensure that new translator authorizations are tied to established local service.

Application Caps

The FCC adopted a nationwide limit of 10 applications per applicant. Existing FM translator holdings will not count against that cap. Special limits apply to LPFM licensees and permittees. Tribal LPFM entities may file up to four applications, while all other LPFM entities may file no more than two applications, consistent with the Commission's existing translator ownership restrictions. The Commission declined requests to raise the cap to 30 applications, finding that a larger cap would likely increase the number of mutually exclusive applications, complicate processing, and delay the initiation of new service.

Four-Year Holding Restrictions

To discourage trafficking and speculative filings, the FCC also adopted significant post-grant restrictions. For four years following commencement of on-air operations, a translator authorized in this window generally must continue rebroadcasting the primary station identified in the original application and may not be assigned or transferred separately from that primary station.

Window Procedures

Applications must be filed electronically in the FCC's Licensing and Management System (LMS). No filing fee will be required. Although applications will not be accepted prior to August 11, the online form will be available in LMS for application preparation beginning on July 1.

Only applications for new stations will be accepted. The Bureau will reject applications for major modifications to existing stations. However, an applicant seeking different facilities for an existing station that would otherwise be a major modification, may apply for a new station to replace the existing station. Upon commencement of operation of the new station, the authorization for the old one must be surrendered. All such applications must include an explanatory exhibit. Applicants are cautioned to describe their technical proposals accurately.

Applications will be evaluated on the basis of information in the sections of the application entitled "Channel and Facility Information" and "Antenna Location Data." Data in other parts of the application, including attachments and exhibits, will not be reviewed to resolve discrepancies.

Resolving MX Conflicts

All applications filed during the filing window will be considered to be simultaneously filed. In groups of mutually exclusive ("MX") applications, conflicts will generally be resolved using the Commission's NCE point system. However, the highest level comparative criterion in this filing window is unique to translator stations. Applications for fill-in translators will receive preference over non-fill-in proposals. Conflicts that remain unresolved after that divide will be evaluated with NCE points.

Under the point system, an applicant can earn three points as an "established local applicant." To qualify, the applicant must certify that it has been local and established in the community to be served continuously for at least two years immediately prior to the close of the filing window on August 25, 2026. To be considered local, a non-governmental applicant must have a physical headquarters, campus, or 75 percent of the members of its governing board residing within 25 miles of the reference coordinates of the proposed community of license.

Two comparative points will be awarded for diversity of ownership to the applicant that can certify that the 60 dbu contour of the proposed translator does not overlap with (1) the principal community contour of any full-service or LPFM radio station, or (2) the 60 dbu contour of any non-fill-in translator station, in which the applicant or any party to the application holds an attributable interest. An applicant with an overlapping attributable interest may qualify for the comparative points if it commits to divest that interest if the application is granted.

Two points can be earned by a statewide network providing programming to accredited schools in cases where the applicant cannot qualify for the local diversity criterion.

Points are also available to an applicant that offers the best technical proposal in the MX group. An applicant will receive one point if its proposed service area and population are both 10 percent greater that than those of the applicant with the next best coverage statistics. The applicant with a differential that is 25 percent greater than any other applicant in the MX group will be awarded two points.

If the comparative point evaluation results in tie, the applicants concerned will proceed to a tie-breaker round. The first tie-breaker involves a count of all of the radio stations (both licenses and construction permits) attributable to each applicant. The applicant must count

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FCC Sets August Window for New Reserved-Band NCE FM Translators; Adopts Filing Caps and Eligibility Rules *continued from page 8*

all full-service commercial and noncommercial stations and any non-fill-in translators. The applicant with the fewest number of attributable authorizations will win. Fill-in applicants must also separately provide the number attributable fill-in FM translators, which the Commission will consider in the event that the consideration of the total number of attributable stations still results in a tie. In such cases, the fill-in applicant with the fewest number of fill-in authorizations will prevail.

If the first tie-breaker factor does not produce a winning applicant, the applicants that remain tied will be subject to a second tie-breaker – a count of the total number of pending radio station applications attributable to each applicant. This includes all applications filed in the current filing window, as well as all other new and major change applications. The applicant with the fewest pending applications will be the winner. Applications not to be counted for this purpose include those for license renewal, assignments or transfers of control, minor changes, or auction short-form applications.

A final third tie-breaker factor will be the application filed soonest after the opening of the filing window.

Except for the third tie-breaker factor, all tie-breaker criteria will be evaluated as of the snapshot date – the last day of the filing window, August 25, 2026.

Winning applicants will be identified as "tentative selectees" and then subject to a public notice period for petitions to deny.

The filing window begins at 12:01 a.m. Eastern Time on August 11, 2026, and ends at 6:00 p.m. Eastern Time on August 25, 2026.

Supreme Court Upholds FCC Forfeiture Process *continued from page 1*

without affording a jury trial. Chief Justice Roberts, writing for an eight-member majority, distinguished the FCC's enforcement scheme from the SEC process struck down in *Jarkesy*. The Court emphasized that FCC forfeiture orders issued under Section 503(b) of the Communications Act do not themselves create an enforceable obligation to pay. Instead, if a party declines to pay a forfeiture, the Commission must refer the matter to the Department of Justice, which may bring a collection action in federal court under Section 504 of the Act.

The Communications Act requires any such collection action to be conducted as a "trial de novo." This means the government must present evidence to prove its allegations in a new proceeding, and cannot merely rely on the Commission's original administrative conclusory decision. Importantly, a jury will have the final word on disputed facts before any penalty can be enforced.

The Court found that because FCC forfeiture orders neither conclusively determine legal rights nor bind parties to pay without further judicial proceedings, the Commission's administrative process does not violate the Seventh Amendment. The Court characterized FCC forfeiture orders as preliminary steps that merely authorize the government to seek judicial enforcement.

The ruling preserves the FCC's principal enforcement mechanism, which has been used for decades to address violations ranging from indecency and unauthorized operations to EAS violations, sponsorship identification failures, and other Communications Act infractions.

The decision provides important reassurance to broadcasters and other regulated entities that existing FCC forfeiture procedures remain constitutionally valid despite the Court's recent skepticism toward certain administrative adjudication systems. At the same time, the Court underscored that if the government seeks to compel payment of an unpaid forfeiture, the Communications Act guarantees a full de novo judicial proceeding before the penalty can be collected.

Justice Thomas dissented. He argued that the FCC's forfeiture orders were presented as binding obligations and that regulated parties reasonably believed they were required to pay immediately. In his view, the carriers should have been afforded an opportunity to challenge the forfeitures under the Court's clarified interpretation of the statute.

For broadcasters, the practical effect of the decision is that the FCC's existing forfeiture process remains intact. Notices of Apparent Liability and subsequent forfeiture orders will continue to be issued through the agency's administrative procedures, while any contested effort to collect an unpaid forfeiture remains subject to judicial review and a jury trial in federal court.

The decision is *Federal Communications Commission v. AT&T, Inc.*, 146 S.Ct. 1418, 2026 LEXIS 258249.