

ALERT

# FCC Seeks Comment on Whether ABC's *The View* Qualifies as a Bona Fide News Interview Program

May 29, 2026

On May 22, 2026, the Federal Communications Commission's (FCC) Media Bureau issued a Public Notice seeking comment on whether ABC's daytime talk show *The View* qualifies as a *bona fide* news interview program and is exempted from the FCC's equal opportunities rule (*The View* Public Notice). *The View* Public Notice comes in response to a Petition for Declaratory Ruling (Petition) filed by Disney's owned-and-operated station, KTRK-TV in Houston, and ABC.

While the Public Notice focuses on a single program, it is likely to generate significant discussion about how the equal opportunities rule and the statutory exemptions are applied, more broadly, and the constitutionality of the equal opportunities regime and the FCC's enforcement thereof.

Comments are due on June 22, 2026, with reply comments due on July 6, 2026.

## **Background: The FCC's Equal Opportunities Requirement**

*The View* Public Notice follows the Media Bureau's January 21, 2026 Public Notice warning television broadcasters that news interviews with political candidates conducted "on a program that is motivated by partisan purposes" are not exempted from the FCC's equal opportunities rule.

Under Section 315 of the Communications Act and the Commission's corresponding rules, whenever a broadcast station allows a legally qualified political candidate to appear on air in a positive manner,

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legally qualified candidates for the same public office must be given an equal opportunity to appear on air in a manner comparable to the first candidate. The purpose of the equal opportunities rule, often referred to as the "equal time" rule, is to prevent broadcasters from unfairly providing more favorable access to a particular candidate or candidates.

Congress exempted from the equal opportunities rule four categories of news coverage: *bona fide* newscasts, *bona fide* news interviews, *bona fide* news documentaries, and on-the-spot coverage of *bona fide* news events (including political conventions). When determining what qualifies as a *bona fide* news interview program, the FCC has focused on (1) whether the show is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether decisions regarding content, participants, and format "are based on newsworthiness, rather than partisan purposes, such as an intention to advance or harm an individual's candidacy."

As explained in the Petition, the FCC's Media Bureau sent a Letter of Inquiry to KTRK-TV on February 11, 2026, following the appearance of then-senatorial primary candidate James Talarico on *The View*. Specifically, the FCC questioned whether KTRK-TV placed a record of Talarico's appearance in its political file and whether *The View* constituted a *bona fide* news interview program. The Media Bureau followed up on March 26, 2026, with a Supplemental Letter of Inquiry requesting additional information and directing KTRK-TV to submit a Petition for Declaratory Ruling.

In the Petition, KTRK-TV and ABC assert that "*The View* has been broadcasting under a bona fide news exemption granted to it more than twenty years ago" in a 2002 Declaratory Ruling from the then-Mass Media Bureau.

### ***Request for Comment***

The FCC seeks comment on the following questions:

- Does *The View* qualify as a *bona fide* news interview program?
- Does the federal equal opportunities statute pass relevant constitutional scrutiny, either as a general matter or as applied here?
- Are the relevant decisions on *The View*, including on format and participants, based on newsworthiness or on an attempt to oppose or support particular candidates within the meaning of FCC precedent?

The Commission also invites comment on "any other relevant points."

### ***Commissioner Reaction and Looking Ahead***

*The View* Public Notice has already generated a significant public response, with more than 2,000 comments posted to date.

Following the release of *The View* Public Notice, FCC Chairman Brendan Carr posted on X that “tv shows do not qualify as ‘bona fide news’ if their decisions are based on partisan purposes, such as an intention to advance or harm an individual’s candidacy.” That post has attracted more than 2,700 comments. Commissioner Anna Gomez reacted to *The View* Public Notice on Bluesky, accusing the FCC of “once again targeting an administration critic by mob rule.” *The View* Public Notice also comes after the FCC’s Media Bureau directed ABC, in an April 28, 2026 Order, to file license renewals for its licensed stations within 30 days.

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Wiley’s Media Practice has extensive experience counseling broadcasters on FCC compliance and advocating for their interests before the Commission. If you have any questions or would like to file comments, please contact one of the attorneys listed on this alert or the Wiley attorney who routinely handles your FCC matters.

*Matthew Heller, a Law Clerk in the Telecom, Media & Technology practice, contributed to this alert.*