

ALERT

Mandate Issues in Third Circuit Media Ownership Case, Causing Reinstatement of Outdated Rules

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On November 29, 2019, the U.S. Court of Appeals for the Third Circuit issued its mandate in the latest chapter of the seemingly never-ending litigation saga concerning the Federal Communications Commission's (FCC's) media ownership rules. As a result, the rules left in place by the 2016 broadcast quadrennial review are now again in effect.

The issuance of the mandate means that broadcasters and investors are now subject to restrictions on newspaper/broadcast cross-ownership and radio/television cross-ownership. In addition, the local television ownership rule no longer includes an express provision permitting parties to show that application of the top-four aspect of that rule will not serve the public interest. Further, parties will once again need to demonstrate not only that a proposed combination of two television stations does not involve two stations ranked among the top-four, but also that at least eight independently owned, full power television stations (or "voices") will remain after consummation of a proposed television station transaction. And television Joint Sales Agreements (JSAs) entered into after March 31, 2014, are now attributable under the local television ownership rule, while those television JSAs that existed prior to that date may remain in effect (and can be transferred or assigned) through September 30, 2025.

Although the FCC and interested parties may seek Supreme Court review, the outdated rules left in place in 2016 will now govern for some time. We summarized those rules in detail here, and are available to answer any questions that you may have.

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