

FCC Enforcement Monitor

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HEADLINES

Pillsbury's communications lawyers have published the FCC Enforcement Monitor monthly since 1999 to inform our clients of notable FCC enforcement actions against FCC license holders and others. This month's issue includes:

- *Investigation of Unauthorized Control Generates Early License Renewal Applications for Multistate TV Station Owner*
- *Mississippi Radio Station Receives One-Year License Renewal Following Continued Public File Violations*
- *Illinois LPFM Station Cited for Unauthorized Antenna, Power, and Equipment Location*

FCC Requires Early License Renewal Applications for Over 80 TV and LPTV Stations in Transfer of Control Investigation

The FCC's Media Bureau issued an *Order* directing a broadcaster with over 80 TV and LPTV stations spread across nearly 30 states to file early license renewal applications for all of its stations. The *Order* states that the Media Bureau has been investigating whether the licensee engaged in unauthorized transfers of control of its station licenses and, despite seemingly having received responses to two Letters of Inquiry (LOIs), determined that further action was warranted. Notably, this *Order* was released the day before the FCC mandated early license renewal applications from ABC, ostensibly for its DEI efforts, leading many to suggest that this action the day before may have been taken to deprive ABC of the argument that calling for accelerated license renewal applications is unprecedented at the FCC.

Under the Communications Act and the FCC's rules, a broadcaster may not assign or transfer control of a station license, either directly or indirectly, without prior Commission approval. This requirement applies not only to formal ownership changes, but also to situations involving "de facto" control. A *de facto* transfer occurs when a licensee no longer retains ultimate control over key aspects of its stations' operations, including programming, personnel, and finances. Although the *Order* does not describe the specific conduct under review, investigations of this nature often focus on whether operational or financial control shifted to a third party without first obtaining the required FCC authorization to do so.

The *Order* asserts that the FCC has authority to require early filing of broadcast license renewal applications when doing so is necessary to conduct an investigation and to evaluate the licensee's compliance with its public interest obligations. In this case, the Bureau concluded that it was "essential" to call the licenses in for early renewal. As a result, the licensee

must file license renewal applications for all of its stations within 30 days.

While the *Order* does not impose any immediate financial penalties, requiring the filing and prosecution of an early license renewal application, particularly for such a large number of stations, is costly and creates additional risks for the licensee. The license renewal process requires the licensee to certify its continuing compliance with the FCC's rules and its qualifications to remain an FCC licensee. By moving up the license renewal application filing deadline, the FCC gives itself an immediate opportunity to review the licensee's qualifications and rule compliance to determine whether license renewal, a short-term license renewal, or a license renewal with a fine or consent decree, is the appropriate regulatory action.

After the *Order* was released, the licensee filed a Petition for Reconsideration arguing that the FCC's action was unprecedented, exceeded the Media Bureau's delegated authority, and departed from longstanding FCC practice regarding early license renewal applications. The Petition also asserted that the underlying ownership issues had already been disclosed to the FCC and were the subject of pending transfer applications and an ongoing investigation to address them, obviating the need for early license renewal applications.

FCC Issues Short-Term License Renewal to Mississippi AM Station for Additional Public File Violations Following Consent Decree Over Prior Public File Violations

The FCC's Media Bureau issued an *Order on Reconsideration* modifying a prior *Memorandum Opinion and Order* that had approved a Consent Decree resolving an investigation into potential violations of the Commission's Public Inspection File rule by a Mississippi AM station. Under the Consent Decree, the Bureau agreed to grant the station's license renewal application upon satisfaction of certain conditions, including payment of a \$1,000 "voluntary contribution," the implementation of a compliance plan, and the absence of any additional violations.

Shortly after the Consent Decree was adopted on April 1, 2026, the Bureau determined that the station committed a new Public File violation by failing to timely upload a required quarterly Issues/Programs List by its April 10, 2026 deadline. Because this violation occurred after execution of the Consent Decree, it was not covered by the settlement and was considered a "new violation" in evaluating the station's pending license renewal application. The Bureau found that failing to comply with the Public File rule, particularly so soon after committing to a compliance plan, constituted a serious and repeated violation that was part of a pattern of noncompliance.

Section 309(k)(1) of the Communications Act provides that in determining whether to grant a license renewal application, the FCC must consider whether, during the prior license term, the licensee: (1) served the public interest; (2) has not committed any serious violations of the Act or of the FCC's rules; and (3) has not committed other violations that, taken together, would constitute a pattern of abuse. If the licensee falls short of its obligations, the FCC may grant the license renewal with conditions, including a shortened license term or imposition of a fine, or designate the application for a hearing to determine whether license renewal is merited.

Applying those standards, the Media Bureau concluded that the station did not qualify for routine license renewal, but that the violations did not warrant designation for hearing. The Bureau emphasized that Public File requirements, including the quarterly Issues/Programs Lists, are an important measure of a station's service to its community, enabling better public participation in the license renewal process.

The Bureau ultimately concluded that a short-term license renewal was appropriate, but only for a one-year term rather than the normal eight years. It stated that it would grant the license renewal application for a one-year term so long as (1) payment of the \$1,000 voluntary contribution is "fully and timely satisfied" and (2) there are no other issues precluding grant of the application. The Bureau explained that the shortened license term will allow the FCC to closely monitor the station's future compliance and take additional action if warranted.

FCC Issues Notice of Violation for Illinois LPFM Station's Unauthorized Antenna, Power, and Equipment Location

The FCC's Enforcement Bureau issued a Notice of Violation (NOV) to the licensee of an Illinois low power FM (LPFM) station and associated studio-transmitter link (STL) for operating with unauthorized equipment, operating at an unauthorized power level, and operating the STL equipment from an unauthorized location. According to the NOV, an agent from the FCC's Columbia field office inspecting the LPFM station and STL facilities in January 2026 identified the rule violations.

Section 73.1350(a) of the FCC's Rules requires broadcast stations to operate with the technical parameters specified in their FCC authorization. According to the NOV, the LPFM station was licensed to operate using a two-bay antenna and transmitter output power of 26 watts. During the inspection, however, the agent observed that the station was operating with a three-bay antenna and a transmitter output power of 40 watts.

The NOV also noted that the associated STL was operating from an unauthorized location. Section 1.903(a) of the FCC's Rules requires wireless stations to operate only in accordance with a valid FCC authorization. According to the NOV, the FCC agent determined that the STL was approximately 0.8 miles away from its authorized location.

The NOV requests additional information from the station licensee regarding the alleged violations. It instructs the licensee to submit a written response within 20 days fully explaining each alleged violation and all relevant surrounding facts and circumstances, including the specific actions taken to correct the violations and prevent recurrence. The NOV also requires that the licensee submit a timeline for completing any pending corrective actions and support its response with an affidavit or declaration from an authorized officer of the licensee with personal knowledge of the facts. While the NOV itself does not impose a fine, the FCC may take additional enforcement action after reviewing the licensee's response, including issuing a Notice of Apparent Liability for Forfeiture.