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Gibson Dunn Seals Major Win for NAB and Nexstar Media Group on FCC Television Station Ownership Rules

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Gibson Dunn obtained a major win for the National Association of Broadcasters and Nexstar Media Group in the Eighth Circuit, which vacated a Federal Communications Commission (FCC) rule first adopted in 1999 that prohibited broadcasters from owning more than one top-four-rated television station in any geographical market.

Critically for future the regulation of broadcasters, the court also held that the Telecommunications Act of 1996 does not permit the FCC to impose stricter limits during its statutorily required reviews of media ownership. Instead, the statute permits only deregulation, an argument that the broadcasting industry has been pressing in courts of appeal for more than two decades, and one that we have now successfully championed for our clients.

The case was argued by Washington, D.C. partner Andrew Kilberg. Emphasizing the importance of the decision, fellow Washington, D.C. partner Helgi Walker said: “We are gratified that the court of appeals vindicated our clients’ position on the legality of certain media ownership regulations, which have imposed unnecessary and outdated restrictions on broadcasters for far too long, and in particular that the panel agreed that Section 202(h) of the Telecommunications Act does not allow tightening of those rules but only deregulation.”

Alongside Andrew and Helgi, our team included partner Ashley Johnson, and associate Cameron Pritchett.

Related People

Andrew G.I. Kilberg

Helgi C. Walker

Ashley E. Johnson

Cameron J.E. Pritchett

Related Capabilities

Litigation

Media, Entertainment, and Technology

Administrative Law and Regulatory Practice

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