UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

WRITERS GUILD OF AMERICA, WEST, INC.; FREE PRESS; FUTURE FILM COALITION; NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES AND TECHNICIANS-COMMUNICATIONS WORKERS OF AMERICA LOCAL 51; PUBLIC KNOWLEDGE; REPORTERS WITHOUT BORDERS, INC.; THE NEWSGUILD-COMMUNICATIONS WORKERS OF AMERICA; UNITED CHURCH OF CHRIST MEDIA JUSTICE MINISTRY, INC.; and WRITERS GUILD OF AMERICA EAST, INC.,

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA,

Respondents.

Case No. 26-_____

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, 5 U.S.C. § 706, and Federal Rule of Appellate Procedure 15(a), Writers Guild of America, West, Inc.; Free Press; Future Film Coalition; National Association of Broadcast Employees and Technicians-Communications Workers of America Local 51; Public Knowledge; Reporters Without Borders, Inc.; The NewsGuild-Communications Workers of America; United Church of Christ Media Justice Ministry, Inc.; and Writers Guild of America East, Inc., hereby petition for review of the attached final order of the Federal Communications Commission entitled *In the Matter of Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule* (the Final Rule). The order is published as National Television Multiple Ownership Rule, 91 Fed. Reg. 72799 (Nov. 12, 2026). A copy of the order is attached to this petition.

This Court has jurisdiction because Petitioners participated in proceedings before the Commission and are aggrieved by the Final Rule. 28 U.S.C. § 2344. Venue lies in this Circuit because Petitioner Writers Guild of America, West, Inc. has its principal place of business in Los Angeles, California. *See id.* § 2343. Petitioners have Article III standing because the Final Rule predictably will result in additional consolidation in the broadcast industry, which in turn threatens to irreparably harm Petitioners' members, financial interests, and other business activities.

The Final Rule is contrary to statute, arbitrary and capricious, and otherwise not in accordance with law. Congress set the national television ownership cap at 39% by statute. *See* 47 U.S.C. § 303 note. The Commission has no authority to second-guess or override Congress's decision. *See, e.g.*, *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986). Even if it did, however, the Final Rule would be arbitrary and capricious because it fails to provide a reasoned and reasonable explanation for the change in policy given the evidentiary record developed in the rulemaking. *See, e.g.*, *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016). For example, the Commission did not adequately account for the effect the Final Rule would have on the traditional policy goals of promoting competition, diversity, and localism.

For these and other reasons, the Final Rule is unlawful and must be set aside. *See* 5 U.S.C. § 706. Petitioners ask that the Court grant the petition for review; declare the Final Rule unlawful; vacate and remand the Final Rule; enjoin the Commission from implementing or enforcing the Final Rule; and grant any other necessary and proper relief. *See* 28 U.S.C. § 2349(a).

November 24, 2026

Respectfully submitted,

s/ Simon C. Brewer
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CERTIFICATE OF SERVICE

I, Simon C. Brewer, certify that on November 24, 2026, I caused this Petition to be served on the Circuit Clerk of this Court through the ACMS. I certify that I will also serve a true copy of the foregoing upon the Commission's general counsel by email to LitigationNotice@fcc.gov.

The Clerk is respectfully requested to serve respondents pursuant to Federal Rule of Appellate Procedure 15(c). No other parties were admitted to the proceedings within the meaning of Rule 15(c)(1).

s/ *Simon C. Brewer*
Simon C. Brewer