No. 26-1065

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FREE PRESS, NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES AND TECHNICIANS—COMMUNICATIONS WORKERS OF AMERICA, THE NEWSGUILD—COMMUNICATIONS WORKERS OF AMERICA, UNITED CHURCH OF CHRIST MEDIA JUSTICE MINISTRY, INC., AND PUBLIC KNOWLEDGE,

Appellants-Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION,

Appellee-Respondent.

On Appeal from
an Order of the Federal Communications Commission,
MB Docket No. 25-331

NOTICE OF APPEAL OR, IN THE ALTERNATIVE, EMERGENCY PETITION FOR WRIT OF MANDAMUS

Gigi B. Sohn
G Squared Strategies
3503 Alton Place, NW
Washington, DC 20008

Paul R.Q. Wolfson
Kali Schellenberg
Bradley Girard
Andrew Bookbinder
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
(202) 448-9090

Counsel for Appellants-Petitioners

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1(a) and D.C. Circuit Rule 26.1:

- Free Press certifies that it has no parent companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest.
- National Association of Broadcast Employees and Technicians—Communications Workers of America certifies that it has no parent companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest. National Association of Broadcast Employees and Technicians—Communications Workers of America is a sector of Communications Workers of America, which certifies that it has no parent companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest.
- The NewsGuild—Communications Workers of America certifies that it has no parent companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest. The NewsGuild—Communications Workers of America is a sector of Communications Workers of America, which certifies that it has no parent

companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest.

- The United Church of Christ Media Justice Ministry, Inc. certifies that it has no parent companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest.
- Public Knowledge certifies that it has no parent companies within the meaning of Circuit Rule 26.1(a), and that no publicly held company holds 10% or greater ownership interest.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

A. Parties and Amici.

Appellants/Petitioners (hereinafter "Public Interest Appellants") are Free Press, National Association of Broadcast Employees and Technicians—Communications Workers of America, The NewsGuild—Communications Workers of America, the United Church of Christ Media Justice Ministry, Inc. and Public Knowledge. Appellee/Respondent is the Federal Communications Commission (FCC). The following persons or entities also participated in proceedings before the Commission:

- American Federation of Teachers
- American Economic Liberties Project
- American Television Alliance
- Asian Americans Advancing Justice
- Asian and Pacific Islander American Vote
- Broadband Communications Association of Pennsylvania
- Broadband Communications Association of Washington
- Business Forward
- CCB License, LLC
- Center for American Rights
- Center for Journalism & Liberty at Open Markets Institute

- Christopher Rollins
- Cincinnati Bell Extended Territories LLC d/b/a AltaFiber
- Committee for the First Amendment
- Common Cause
- Consumer Action
- Digital First Project
- DIRECTV, LLC
- EchoStar Corporation
- Empowering Pacific Islander Communities
- Eric Williams
- Fourth Branch Action
- Get Free
- Hispanic Federation
- Hispanic Tech and Telecommunications Partnerships
- Indiana Cable and Broadband Association
- Indivisible
- Japanese American Citizens League
- Jim Petzel
- LGBT Tech
- Local Independent Online News Publishers

- Mafia Monthly
- Maher Akremi
- MANA, A National Latina Organization
- Media and Democracy Project
- Mississippi Internet and Television
- Multicultural Media & Correspondents Association
- Multicultural Media, Telecom and Internet Council
- NAACP
- National Action Network
- National Association of Black Owned Broadcasters
- National Black Justice Collective
- National Coalition on Black Civic Participation
- National Content & Technology Cooperative
- National Council of Asian Pacific Americans
- National Council of Negro Women
- National Hispanic Media Coalition
- National LGBTQ Taskforce Action Fund
- National Newspaper Publishers Association
- National Urban League
- Newsmax Media Inc.

- Nexstar Media Inc.
- NTCA-The Rural Broadband Association
- OCA-Asian Pacific American Advocates
- One Ministries, Inc.
- Public Citizen
- SAG-AFTRA
- Sean Patrick Patterson
- Sikh American Legal Defense and Education Fund
- Sinclair Inc.
- TEGNA Inc.
- Tennessee Cable and Broadband Association
- Terry B.
- The Leadership Conference on Civil and Human Rights
- TIG Advisors LLC
- VCTA—Broadband Association of Virginia
- Writers Guild of America East
- Writers Guild of America West

B. Ruling Under Review.

The ruling under review is the March 19, 2026 Media Bureau order granting the applications to transfer control of broadcast licenses held by TEGNA Inc. to

Nexstar Media, Inc. The order is reproduced at App.1-40. One day after the Media Bureau issued its order, Public Interest Appellants, along with other parties, filed an application for review with the full Commission. As of this filing, the Commission has not acted on that application. Public Interest Appellants and those other parties simultaneously filed a motion asking the Commission to stay the Media Bureau's order and, due to the merger's supposed closure, requested a ruling by March 21 at 3 PM. Public Interest Appellants noted that, absent a ruling by that time, they would deem the stay motion to be denied. Nexstar has publicly stated that the merger has closed. App.673.

C. Related Cases.

Another group of appellants has filed a notice of appeal from the same Bureau order. *See Broadcast Communications Ass'n of Pa. v. Federal Communications Comm'n*, No. 26-1062 (filed March 21, 2026).

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FEDERAL RULES

GLOSSARY OF ABBREVIATIONS

Abbreviation	Definition
App.	Appendix
FCC	Federal Communications Commission

NOTICE OF APPEAL

Pursuant to 47 U.S.C. § 402(b)-(c) and Federal Rule of Appellate Procedure 15, Free Press, the National Association of Broadcast Employees and Technicians—Communications Workers of America (NABET-CWA), The NewsGuild—Communications Workers of America (TNG-CWA), the United Church of Christ Media Justice Ministry, Inc. (UCC Media Justice), and Public Knowledge (collectively, Public Interest Appellants) hereby appeal the March 19, 2026 order of the Media Bureau approving the applications to transfer control of broadcast licenses held by TEGNA Inc. to Nexstar Media Inc, as well as the decision by the Commission constructively denying, through inaction in the face of emergency, the Public Interest Appellants' application for full Commission review of that order.

INTRODUCTION

As described in the Notice of Appeal for the Broadband Communications Association of Pennsylvania, et al. ("Industry Appellants' Notice of Appeal"), No. 26-1062, this case involves the largest broadcast merger in history. In a decision that was pre-ordained by political direction from above, the Federal Communications Commission, nominally acting through the Media Bureau, rushed to approve the merger without regard for (a) statutory restrictions that make the approval impermissible, (b) procedural requirements that require a hearing at minimum before such a far-reaching decision with vast consequences for the media landscape can be

finalized, (c) the dramatically adverse consequences for the public interest—and in particular localism, viewpoint diversity, and competition in broadcasting—that will result from the merger, and (d) the harm the merger will have on broadcasting employees who are essential to the journalism required to fulfill licensees' public interest obligations under the Communications Act. As a result, Nexstar and TEGNA purported to consummate a merger that is illegal and that, if not stayed, could become nigh on irreversible. Under these unprecedented circumstances, an immediate stay is essential to preserve the status quo and to prevent irreparable harm to appellants and the public interest.

In the interest of judicial economy, Public Interest Appellants join in, and incorporate by reference, the arguments set forth in the Industry Appellants' Notice of Appeal and address in this Notice matters particular to the Public Interest Appellants.

CONCISE STATEMENT OF THE NATURE OF THE PROCEEDINGS

1. This appeal and petition for mandamus arise out of the August 19, 2025, announcement by Nexstar Media Group, Inc., stating it had reached a deal to acquire TEGNA. This deal would result in the largest merger in broadcast history. It would allow Nexstar to own or operate 265 full-power TV stations (259 with illusory "divestitures" two years hence that may never materialize) under one company reaching over 80% of U.S. television households, more than twice the 39% limit set

by Congress. In many markets, Nexstar would control half or more of all commercial stations airing English-language news, further consolidating already highly concentrated markets. Such market domination would undeniably "adversely affect" Appellants, their members, and the public, 47 U.S.C. § 402(b): The merger would entrench and extend Nexstar's dominant position in the market, reduce or eliminate substantial existing competition between firms, reduce or eliminate distinctive sources of and voices in local news, reduce or eliminate competition among firms for labor in the broadcast industry, further depress wages, kill local investigative journalism, close vital avenues and platforms for public interest nonprofit work, and impact ongoing and future union contract bargaining for cycles to come. It is also contrary to the Commission's statutory obligation to regulate broadcasting in the public interest, 47 U.S.C § 307(a), and to the Commission's longstanding adherence to promoting the values of competition, localism, and viewpoint diversity in broadcasting, *see FCC v. Prometheus Radio Project,* 592 U.S. 414, 418 (2021).

2. Nexstar and TEGNA jointly filed applications to transfer TEGNA's broadcast licenses to Nexstar, which the FCC accepted for filing on December 1, 2025. In accordance with the pleading cycle announced by the FCC's Media Bureau, Public Interest Appellants—a labor union with members that work for both Nexstar and TEGNA and in markets where each owns stations, along with three nonprofit groups dedicated to promoting diverse and public interest oriented broadcast and

news coverage—filed a petition asking the FCC to deny the application or (at minimum) to designate the applications for hearing. Public Interest Appellants explained the merger would violate the Consolidated Appropriations Act of 2004 (the 2004 Appropriations Act), which directed the FCC to impose a "39 percent national audience reach limitation." Pub. L. No. 108-199, § 629, 118 Stat. 99-100; *see also* 72 Fed. Reg. 16283, 16284 & n.7 (Apr. 4, 2007). Public Interest Appellants also explained that Nexstar's acquisition of TEGNA is presumptively unlawful under U.S. antitrust law, that the merger would not serve the public interest, and that the deal would further concentrate the broadcast market and violate the FCC Local Multiple Ownership rule.

3. On March 19, 2026, the Media Bureau granted the applications and denied Public Interest Appellants' petitions to deny. Eschewing "strict application" of legal limits, *see* App.14 ¶ 30, the Bureau allowed Nexstar to acquire TEGNA's licenses. The Bureau concluded that the FCC was free to waive Congress's 39% national cap, codified in the 2004 Appropriations Act. *See* App.17-18 ¶¶ 36-38, n. 120, 123. Likewise, the Bureau waived the local-ownership cap. App.21-24 ¶ 49-54.

The Bureau next addressed—and quickly dismissed—the reams of public-interest harms raised by opponents of the merger without addressing the specific facts and arguments they raised. *See, e.g.*, App.28-30 ¶¶ 65-76. Instead, the Bureau

relied on "commitments" made by Nexstar to conclude that "the Transaction will not raise any material public interest harms." *See* App.28 ¶ 65.

As support for these so-called commitments, and for many of its factual conclusions, the Bureau did not cite any declarations or affidavits. Instead, it cited a letter that Nexstar sent to Chairman Carr on March 19—*the day of the decision*. *See, e.g.*, App.29 ¶ 69 n. 223-25. The March 19 Letter is not sworn, and it does not contain any citations to support its factual assertions. *See* App.667-670. Yet the Bureau cited the letter 26 times to support its conclusions.

The Bureau devoted one paragraph to the public interest in localism and viewpoint diversity—concluding that "access to national and state news bureaus" will provide "public interest benefits to viewers" without explaining what those benefits are or why they serve localism or viewpoint diversity. App.32 ¶ 81. The Bureau simply quoted a party *supporting* the merger to conclude (once again, without support) that the merger will "enhance the ability of local stations to invest in journalism," and that "[t]he record contains no evidence" that the merger "will reduce local news output, eliminate independent editorial judgment, or diminish viewpoint diversity." App.32 ¶ 81 (quoting Digital First Project's Reply at 1).

Finally, turning to potential public-interest benefits of the merger, the Bureau recognized that benefits are cognizable only if they are verifiable and flow to consumers. App.33 ¶ 83. Nevertheless, the Bureau again described the benefits of

the merger in vague terms—quoting Nexstar's statements to conclude that Nexstar will have "the ability" to invest in local news, that Nexstar believes the merger is "the best course for the future," and that its March 19 Letter committed (for two years) to "increase the amount and availability of local programming in the aggregate." App.33-34 ¶¶ 83-84.

4. The Media Bureau's order obviously represents the Commission's decision; indeed, the Commission simultaneously issued a press release commending the Bureau's order, noting the "agency decision" approving the order and stating that "the FCC acts" and "the agency ensures" through that order to promote broadcasting. App. 671.

One day after the Media Bureau issued its order, Public Interest Appellants, along with other parties, filed an application under 47 U.S.C. § 155 for full Commission review, as well as a motion to stay the Media Bureau's order. App.676-708, 709-732. Given that Nexstar has stated that the merger has already closed, App.673, Public Interest Appellants requested a stay ruling by March 21 at 3:00 PM. Public Interest Appellants further noted that, absent a ruling by that time, they would seek emergency relief from this Court. App.713, 730.

This appeal and petition followed. Public Interest Appellants are simultaneously filing an application asking this Court to stay the Media Bureau's order pending disposition of this appeal and petition.

CONCISE STATEMENT OF REASONS FOR APPEAL

1. The decision to waive the 39% national audience reach limitation was contrary to law and in excess of statutory authority. The 2004 Appropriations Act makes abundantly clear that the FCC does not have the authority to decide when to apply the cap, an understanding that is reinforced by the statutory history, the regulatory history, and the major-questions doctrine.

2. The decision to waive the 39% national audience reach limitation was also arbitrary and capricious, as it departs from the FCC's prior precedent, and the Commission provided insufficient reasoning for the decision. The waiver was also arbitrary and capricious because it failed adequately to consider important aspects of the problem before the Commission as well as factors that Congress intended the Commission to consider, and the Commission has long considered, including the principles of competition in broadcasting, localism, and viewpoint diversity that have long been fundamental to the Commission's regulation of broadcasting in the public interest.

3. The decision to waive the Local Television Ownership Rule in 21 Designated Market Areas was arbitrary and capricious. Granting these waivers will give Nexstar market power far exceeding levels that the federal antitrust agencies deem presumptively unlawful and will cause substantial and predictable harm to television viewers, news consumers, subscribers to cable and satellite television

systems, broadcast workers, and advertisers. The Media Bureau failed to offer any reasoned explanation for how this waiver promotes competition, localism, and diversity in local broadcast markets, crediting Applicants' implausible argument that stations described as strong to investors cannot survive absent this merger, and failed to consider multiple relevant aspects of the problem. Its approval of these waivers, in the face of these core statutory and policy mandates, renders the decision arbitrary and capricious.

4. The Bureau's finding that Nexstar did not need to make a detailed showing that its duopolies served the public interest because there were no "cognizable public interest harms identified in the record," App.21 ¶ 48, is arbitrary and capricious. On the contrary: there was a substantial record identifying public interest harms, and the Bureau engaged in unreasoned decision making in finding otherwise.

5. The determination that this merger serves the public interest, App.28-35 ¶¶ 65-88, is arbitrary and capricious. The Bureau's errors here are manifest, including that it failed to engage with the substantial record identifying public interest harms and contradicting the merger's purported public interest benefits, failed to consider multiple relevant aspects of the problem, departed from its' previous precedent, and erred in in its reliance on Nexstar's March 19 letter.

6. The Bureau's order was arbitrary and capricious and in excess of statutory authority because it was procedurally infirm and violated FCC regulations limiting the Media Bureau's authority. Under 47 C.F.R. § 0.283(c), the Media Bureau lacks authority over "novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines," and must "refer" license-transfer applications that present such questions to "the Commission en banc for disposition." *See also id.* § 0.5(c) ("[T]he Commission has delegated authority to its staff to act on matters which are *minor or routine or settled* in nature." (emphasis added)). Among other novel questions, the Commission has never before purported to waive the 39% national audience reach limitation in the context of an application to transfer broadcast licenses. The Media Bureau thus violated FCC regulations by declining to refer these applications to the full Commission.

7. The Media Bureau's order was also procedurally irregular, and arbitrary and capricious in granting the license-transfer applications, because, acting under political directions to approve the merger, it rushed to a decision in record time without designating applications for a hearing, and it uncritically credited all of Nexstar's assurances in the face of conflicting evidence and without testing them in an adversarial setting. The Commission must designate applications for a hearing if, assuming the facts set forth in a petition to deny are true, there is at least a substantial and material question of fact presented in the record, or if the Commission for any

reason is unable to find that granting the applications furthers the public interest. *See* 47 U.S.C. § 309(d)(2); *Astroline Comm'cns Co. v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988). Here, Appellants' petitions to deny presented several substantial and material questions of fact, and identified several reasons why granting the applications would not further the public interest—including increased consumer prices, harms to local news and relevant workforces, and recent prior statements by both the Department of Justice and the FCC itself that violations of the 39% national audience reach limitation by Nexstar could only be remedied through divestiture. App.337, 373-374.

ARGUMENT

I. This Court has jurisdiction to review the Media Bureau's order as a "decision or order of the Commission."

Under 47 U.S.C. § 402(b), "decisions [or] orders of the Commission" granting or denying "an application for authority to transfer" broadcast licenses may be appealed to this Court by "any … person who is aggrieved or whose interests are adversely affected." Congress further prescribed that this Court "shall have jurisdiction of the proceedings and of the questions determined therein" and "shall have power … to grant such temporary relief as it may deem just and proper" "by order[] directed to the Commission or any other party to the appeal." *Id.* § 402(c).

There is no doubt that Public Interest Appellants' "interests are adversely affected" by the Media Bureau's order—and, in fact, the Bureau concluded that four

of the Public Interest Appellants had standing before the agency to challenge Nexstar's application, at least in significant part. *See* App.26-27 ¶ 60. Public Interest Appellants are a labor union and three nonprofit media organizations dedicated to a just and equitable media landscape. The union represents thousands of members who work in media markets, including where Nexstar and TEGNA currently operate separate stations. The union would be adversely affected by dramatic changes in the labor market that will result from the merger, including a serious contraction in the market for broadcast station employee labor, as Nexstar and TEGNA move to combine their operations and eliminate overlapping positions. Those members, and their union, will be adversely affected in their negotiations over labor contracts with the resulting combined entity.

The other Public Interest Appellants will likewise be adversely affected by the merger. Free Press, UCC Media Justice, and Public Knowledge are organizations dedicated to the protection of diverse, local, and public-interest-oriented broadcasting reflecting diverse sources. Those missions are frustrated by corporate mergers, including the Nexstar-TEGNA merger, that predictably result in a decline in the quality and quantity of local news coverage, as local community-oriented news is supplanted by formulaic broadcasting directed by the corporate parent and repeated over commonly owned stations. In addition, Free Press and UCC Media Justice have individual members who depend on local broadcasting for access to

diverse and election and public-interest-oriented news, and that news coverage is certain to wither if the merger is consummated. In addition, access to local broadcasting will become more expensive for those members; now that the Media Bureau has blessed transferring TEGNA's licenses to Nexstar, Nexstar will have new-found power to demand higher and higher retransmission consent fees in those markets from cable and satellite operators, and those operators will inevitably pass on those costs to individual consumers.

Although the order issued nominally from the Media Bureau, it is clearly attributable to the full Commission and represents a "decision [or] order of the Commission," 47 U.S.C § 402(b). In the first place, the Commission itself claimed credit for the Bureau's decision in a press release and touted it as an "agency decision." App.671. Further, Congress gave the FCC authority to administer a system of broadcast licenses, *see* 47 U.S.C. § 151, and the Commission delegated the authority to process applications to transfer those licenses to the Media Bureau in certain circumstances, *see* 47 C.F.R. § 0.61. The Media Bureau purported to act pursuant to that delegation here. *See* App.36 ¶ 94. By statute, "[a]ny order … made or taken pursuant to any such delegation … shall have the same force and effect, and shall be made, evidenced, and enforced in the same manner, as orders … of the Commission," provided that the Commission had an adequate opportunity to review the order. 47 U.S.C. § 155(c)(3).

As noted above, the day after the Media Bureau issued its order, Public Interest Appellants filed an application for review of the order and a motion to stay with the full Commission. *See supra* p. 6. That application advised the Commission that, given the already-announced closure of the transaction and the imminent integration of the two companies, if the Commission did not act within twenty-four hours, Public Interest Appellants would seek emergency relief from this Court. Under these circumstances, the Commission's failure to act on the application for review in the face of such urgency is fairly characterized as a decision of the Commission upholding the order of the Media Bureau.

That approach fully accords with this Court's "pragmatic and flexible" approach "to ensure justice" in cases of agency inaction. *Friedman v. FAA*, 841 F.3d 537, 543 (D.C. Cir. 2016). When an agency's "actions suggest the [agency] has made up its mind," it cannot "seek[] to avoid judicial review by holding out a vague prospect of reconsideration." *Id.* In other words, "the applicable test is not whether there are further administrative proceedings available, but rather 'whether the impact of the order is sufficiently "final" to warrant review in the context of the particular case.'" *Id.* at 542 (quoting *Envtl. Def. Fund, Inc. v. Ruckelshaus*, 439 F.2d 584, 591 (D.C. Cir. 1971)).

Here, the Media Bureau's order represents the decision of the Commission. In the first place, the Commission has said that it is. *See* App.671. And nothing about

the Media Bureau's order is "tentative or interlocutory," *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997). The Media Bureau through its order unquestionably "determined" "rights [and] obligations" and set "legal consequences" into motion, *Bennett*, 520 U.S. at 177-78; Nexstar, relying on the Bureau's order, has already announced the closure of the merger. App.673. In these circumstances, the Commission's silence amounts to "a constructive denial" of Public Interest Appellants' application. *Friedman*, 841 F.3d at 541.

Because the Court has jurisdiction over this appeal under 47 U.S.C. § 402(b), it should proceed to take up Public Interest Appellants' emergency motion for stay, which is being filed with this notice.

II. Alternatively, this Court should use its mandamus authority to direct the FCC to act on Public Interest Appellants' application for review and to stay the Media Bureau's order in the interim.

Even if this Court has questions regarding its jurisdiction to review the Media Bureau's order, this Court has jurisdiction "to issue a writ of mandamus to compel the agency to take final action." *Sierra Club v. Thomas*, 828 F.2d 783, 795-96 (D.C. Cir. 1987) (citing 28 U.S.C. § 1651); *see also In re Nat'l Nurses United*, 47 F.4th 746, 753 (D.C. Cir. 2022). Here, to preserve the status quo and prevent irreparable harm to Public Interest Appellants, the Court should order the Commission to act expeditiously on the application, and to stay the Media Bureau's order while the Commission does so. Such action is essential to preserve Public Interest Appellants'

right to seek judicial review of the Commission's actions, which Congress has guaranteed in 47 U.S.C § 402(b). If Nexstar and TEGNA proceed to fully consummate a merger that could be impossible to unwind after lengthy court proceedings—which they are endeavoring to do given that the Commission is not acting expeditiously to take up Public Interest Appellants' application for review and motion for stay—the Public Interest Applicants' right to judicial review will be rendered illusory.

As this Court has explained, relief in the form of mandamus under 28 U.S.C. § 1651 is available and appropriate when (a) the Court acts to preserve its own jurisdiction, or (b) a party seeking judicial review faces irreparable harm caused by a non-final agency action and presently has no other avenue of review. *See, e.g., In re NTE Connecticut, LLC*, 26 F.4th 980, 987 (D.C. Cir. 2022). This case readily fits into both categories.

First, given the speed at which Nexstar and TEGNA proceeded to close their merger, there is a serious concern that, if the Commission does not act expeditiously to take up the application for review and motion for stay, the Commission and Nexstar will argue the merger is effectively impossible to unwind, and that this case is moot. Whether or not that mootness argument would eventually prevail, the possibility is sufficiently concerning that the Court should act now to preserve the statutory right of the opponents of the merger to obtain judicial review.

Second, Public Interest Appellants face irreparable harm and—if the Court concludes that the Media Bureau's order is not properly characterized as Commission action—have no other avenue to seek review of the harmful effects of that order. For the reasons set forth in the Public Interest Appellants' motion to stay, also filed today, the Media Bureau's order will gravely impair their, and their members', interests in vibrant and diverse local news coverage—particularly in the months leading up to an election year when voters are evaluating many state and local candidates—as Nexstar increasingly concentrates news programming to fit a centralized template. This order will also lastingly distort labor markets to the serious disadvantage of the union appellant's members, and will cause economic harm in the form of increased costs passed on to consumers by cable and satellite operators who will pay higher retransmission consent fees to Nexstar. All of those harms are contrary to the public interest as well. And the Commission would face no harm from a pause of its order while the full Commission, and later this Court, have the opportunity to review the serious concerns raised by this merger. Nor will Nexstar and TEGNA suffer from any irreparable harm from a modest delay in the full consummation of their merger.

CONCLUSION

The Court should lodge the appeal and grant Public Interest Appellants' accompanying motion to stay the Media Bureau's order forthwith. Alternatively, the Court should issue a writ of mandamus directing the full Commission to act on Appellants' application for review and to stay the Media Bureau's order pending this Court's review. Following briefing and argument, the Court should reverse the Media Bureau's order and remand with instructions to grant Appellants' petitions to deny.

Respectfully submitted,

Gigi B. Sohn
G Squared Strategies
3503 Alton Place, NW
Washington, DC 20008

s/ *Paul R.Q. Wolfson*
Paul R.Q. Wolfson
Kali Schellenberg
Bradley Girard
Andrew Bookbinder
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
(202) 448-9090

Counsel for Appellants-Petitioners

March 23, 2026

CERTIFICATE OF COMPLIANCE

I hereby certify that:

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) and D.C. Circuit Rule 32(e) because it contains 3,781 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and D.C. Circuit Rule 32(a)(1).

2. This brief complies with Federal Rule of Appellate Procedure 32(a)(5)'s typeface requirements and Federal Rule of Appellate Procedure 32(a)(6)'s typestyle requirements because it has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 in 14-point Times New Roman font.

March 23, 2026

s/ *Paul R.Q. Wolfson*
Paul R.Q. Wolfson

CERTIFICATE OF SERVICE

I certify that, on March 23, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. Consistent with 47 C.F.R. § 1.13(b), I also served a true copy of the foregoing upon the Commission's general counsel by email to LitigationNotice@fcc.gov. Consistent with 47 U.S.C. § 402(d), I will provide a courtesy copy of the foregoing to all other parties listed in section A of the certificate as to parties, rulings, and related cases appended to the front of this filing.

s/ *Paul R.Q. Wolfson*
Paul R.Q. Wolfson