Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
The Walt Disney Company	)	MB Docket No. 26-131
	)	
American Broadcasting Company	)	
	)	
KFSN Television, LLC, Licensee of KFSN-TV, Fresno, California	)	Facility ID No. 8620
	)	
KABC Television, LLC, Licensee of KABC-TV, Los Angeles, California	)	Facility ID No. 282
	)	
KGO Television, Inc., Licensee of KGO-TV, San Francisco, California	)	Facility ID No. 34470
	)	
WLS Television, Inc., Licensee of WLS-TV, Chicago, Illinois	)	Facility ID No. 73226
	)	
WABC Television (New York), LLC, Licensee of WABC-TV, New York, New York	)	Facility ID No. 1328
	)	
WTVD Television, LLC, Licensee of WTVD, Durham, North Carolina	)	Facility ID No. 8617
	)	
WPVI Television (Philadelphia), LLC, Licensee of WPVI-TV, Philadelphia, Pennsylvania	)	Facility ID No. 8616
	)	
KTRK Television, Inc., Licensee of KTRK-TV Houston, Texas	)	Facility ID No. 35675

OPPOSITION TO PETITIONS TO DENY

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July 29, 2026

EXECUTIVE SUMMARY

Despite its official assertions, the Commission is not conducting this early license renewal proceeding to actually and fairly determine if ABC's continued control over eight full-power TV licenses is in the public interest. The Commission is not conducting this proceeding to facilitate any investigation. And the Commission certainly is not acting to ensure compliance with its rules prohibiting unlawful discrimination. The facts and context that precede and surround this proceeding demonstrate beyond any doubt that the FCC's actions are an arbitrary and capricious abuse of power, ordered by Brendan Carr to exact the revenge Donald Trump demands against ABC for exercising its First Amendment rights.

Carr insists that this proceeding is merely part of an investigation into allegations that Disney engaged in the practice of "invidious discrimination." But he doesn't even say what those allegations are, even as the agency purportedly seeks comment on them. The Commission has not identified any specific instances of discrimination by Disney, ABC, or its local stations actually subject to this proceeding. And the Commission has yet to allege any specific violations of its own equal employment opportunities rules. That Chairman Carr is willing to place Disney's entire local broadcasting operation in jeopardy without a single specific allegation of unlawful behavior is further evidence of the corruption that undergirds this proceeding and Carr's reign at the Commission.

With the FCC failing to name any specific allegations against Disney, the public is left to fill in the blanks. It appears, based on one of the Petitions to Deny in this proceeding, that the sole basis for this allegation of unlawful discrimination may be a February 2024 "investigation request" filed with the Equal Employment Opportunities Commission by the radical right-wing activist group called America First Legal. This request was based not on any specific allegations of unlawful employment discrimination, but on AFL's distorted representation of a single Disney website that contained aspirational language about the company's representation of and employment of "underrepresented groups." Carr's incomplete blathering and accusations make it seem that Disney may be facing early license renewal over allegations of violating the Commission's Equal Employment Opportunities ("EEO") rules, but it is completely unclear which specific rule or rules Carr may feign.

However, whatever the merits of AFL's 2024 allegations, they were long ago rendered moot. Less than a year after filing that investigation request, AFL declared it had "secured a major victory" in response to its unfortunate efforts. AFL said that Disney had "retreated" from its diversity policies and edited the language on Disney's website that had explained its aspirations to be a more inclusive company. Of course the *Notice* and *Early Renewal Order* in this proceeding neglect to mention any of these facts, as that would undermine the ridiculous notion expressed in the *Notice* that the extraordinary early renewal is needed because it "allows the FCC to conduct its ongoing investigation" into Disney's potential violations of the agency's rules. But there's absolutely nothing about the process of early renewal that would plausibly aid that supposed investigation. This supposed investigation is just a rotten fig leaf to provide cover for Brendan Carr using the Commission's investigatory powers to harass, intimidate, and punish ABC for its speech.

If the FCC were acting in good faith, it would have first conducted and completed a full and fair investigation of Disney's compliance with this agency's EEO rules and the law, and then acted accordingly. Notably, the FCC seemingly has never revoked or refused to issue a license based on violations of its EEO rules. But giving Disney due process under the law and respecting its First Amendment rights would not deliver petty Donald Trump the revenge he seeks, hence the existence of this corrupt, arbitrary, and capricious early renewal proceeding.

The naked partisan, ideological, and political motivations behind this unprecedented proceeding are made all the more transparent when considering how the Commission, under Carr and other Chairs, has enforced its EEO rules in the past. Though other broadcasters have faced and settled discrimination cases brought by the Equal Opportunities Employment Commission ("EEOC"), the FCC never threatened to revoke those broadcasters' licenses, much less initiated an early license renewal proceeding. Indeed, less than a year ago (and several months into Carr's tenure as chair), Sinclair Broadcasting agreed to pay $100,000 to settle a race discrimination case filed by the EEOC. That consent decree came less than two years after Sinclair settled a separate disability discrimination case brought by the EEOC. Yet despite the fact that Sinclair has a recent track record of credible and specific allegations against it for various forms of workplace discrimination, Carr has not called for the early review or revocation of that company's licenses. Indeed, Sinclair's sorry track record did not factor at all into recent FCC decisions to grant even more licenses to the company. This is further evidence that Carr has no serious interest in preventing discrimination, and cares for nothing but punishing broadcasters that Donald Trump dislikes while rewarding those Trump favors.

This kind of capricious law enforcement has no place in a legitimate democracy. The law and Constitution do not permit the Commission to violate Disney's and the public's rights because the President's ego demands it. And in its haste to please Trump, the Commission has not only chilled the speech of every licensee, it has ultimately placed Disney in a lose/lose situation. If the FCC does nothing following the pleading cycle, the *Early Renewal Order* will continue to be a threat to Disney's licenses, one which will undoubtedly cause it to alter how it exercises its First Amendment-protected right to free speech and freedom of the press. If the FCC refers the matter to the Administrative Law Judge, Disney will have to spend potentially years dealing with the burden of fighting to restore the *status quo*. And even if the judge acts quickly to rule in Disney's favor, the licenses cannot legally be renewed for eight years after the last renewal in 2024. No matter which scenario plays out, the chilling impact is the obvious point. For Disney, other licensees, and the public who rely on journalism that speaks truth to power, "the process is the punishment."[1]

Thus there is only one action that serves justice and is faithful to the First Amendment of the Constitution: The Commission must rescind the *Early Renewal Order*, dismiss the early renewal application, and close this proceeding.

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[1] Letter from Anna M. Gomez, Commissioner, Federal Communications Commission, to Josh D'Amaro, Chief Executive Officer, The Walt Disney Company, at 1 (May 11, 2026).

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I. The FCC's Call for Early Renewal of Disney's Broadcast Licenses is Arbitrary and Capricious, Based Solely on President Trump's Grievances Against ABC.

In our recent comments in yet another Commission proceeding that seeks to punish Disney for its speech, we documented President Trump's decade-long vendetta against broadcast network comedians, particularly Jimmy Kimmel, host of the ABC show *Jimmy Kimmel Live!*.[2] We noted how, days after the November 2024 election, then-Commissioner Carr got to work facilitating the "revenge tour" to which Trump said he was "entitled."[3] We detailed the timing of the comedians' jokes, Trump's immediate responses, and Chairman Carr's subsequent actions to threaten the retribution demanded by the President.[4] These facts make the actual motivation of this unprecedented early renewal proceeding obvious and undeniable.[5] It is not about any unlawful discrimination that the Commission feigns but does not even bother to articulate, nor about Disney's EEO rule compliance, nor any true conception of the public interest. It is, as Disney notes, punishing ABC "for speech the government does not like."[6]

As we detail herein, the *Notice* and *Early Renewal Order* are exclusively based on unstated allegations of Disney or its ABC subsidiaries engaging in "unlawful discrimination"

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[2] *See* Comments of Free Press Comments, MB Docket No. 26-124, at 4-11 (filed June 22, 2026) ("Free Press *View* Comments").

[3] *See* Ryan Bort, "Trump Says He's 'Entitled' to 'Revenge Tour' if He Wins in 2024," *Rolling Stone* (Feb. 2, 2023).

[4] Free Press *View* Comments at 4-11.

[5] *See* "FCC's Media Bureau Establishes Pleading Cycle and *Ex Parte* Procedures for the Early Renewal Applications of The Walt Disney Company's ABC Licenses," MB Docket No. 26-131, Public Notice, DA 26-541 (Med. Bur. rel. May 29, 2026) ("*Notice*"); *see also The Walt Disney Company* et al., Order, DA 26-416 (Med. Bur. rel. Apr. 28, 2026) ("*Early Renewal Order*").

[6] *See* WABC-TV, Objection to Unlawful Early Renewal at 13 (filed May 28, 2026) ("ABC Objection").

that violates the Commission's rules.[7] Confoundingly, the *Early Renewal Order* states that this unprecedented action "allows the FCC to conduct its ongoing investigation"[8] into "possible violations of the Communications Act of 1934 and the FCC's rules, including the agency's prohibition on unlawful discrimination."[9] But by all accounts,[10] including that in the brief *Early Renewal Order*,[11] Disney was fully cooperating with the Commission's investigation. According to ABC, it "received a Letter of Inquiry from the Enforcement Bureau on June 5, 2025" investigating the company for supposed unlawful discrimination, stemming from its anodyne Diversity, Equity and Inclusion ("DEI") policies.[12] ABC stated that it responded to this inquiry in cooperation with the Commission, and heard nothing from the agency on this matter for five months after submitting that first response until "the Enforcement Bureau issued an expansive Supplemental LOI on February 20, 2026."[13] The company said it complied with that second request by April 21, 2026. But on April 23, Jimmy Kimmel made more remarks that disturbed President Trump.[14] And then on April 28, the Commission issued its extraordinary *Early*

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[7] *Early Renewal Order* ¶ 1; *see also* John Hendel, "Brendan Carr denies Trump's pressure prompted review of Disney licenses," *Politico* (Apr. 30, 2026).

[8] *Early Renewal Order* ¶ 2.

[9] *Id.* ¶ 1.

[10] *See id.*; *see also* ABC Objection at 10-13. The Commission's *Early Renewal Order* blithely suggests that Disney has only "purported to respond to two FCC Letters of Inquiry," while Disney explains that it provided well over eleven thousand pages of documents in response to them).

[11] *Early Renewal Order* ¶¶ 1-2.

[12] ABC Objection at 11.

[13] *Id.*

[14] *See* Martin Holmes, "Jimmy Kimmel Roasts Trump in 'Alternative' White House Correspondents' Dinner Speech," *TV Insider* (Apr. 24, 2026).

Renewal Order, based on what Carr characterized as ABC not being "forthcoming" in its earlier investigation response.[15]

This timeline is damning for the Carr Commission, and the investigation rationale is not credible. There's absolutely nothing about the process of early renewal that would plausibly aid that supposed investigation. It is just a rotten fig leaf to provide cover for Brendan Carr using the Commission's investigatory powers to harass, intimidate, and punish ABC for its speech, a blatant violation of the First Amendment.

Carr's conduct and the agency actions he has orchestrated clearly constitute unlawful jawboning.[16] The Commission has the authority to interpret the meaning of "the public interest," but that interpretation cannot be arbitrary and capricious. It cannot be selectively interpreted, in a manner that is inconsistent with the Constitution and the Communications Act. And the Communications Act is unambiguous: "[n]o regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."[17] But all of Chairman Carr's and the Bureau's actions against ABC demonstrate that this Commission is conditioning the broadcaster's ability to air certain types of programs, and even its ability to hold FCC licenses, on ABC's decision to continue to air *Jimmy Kimmel Live!* and other programs that Donald Trump petulantly dislikes.

The political benefits for Donald Trump from Carr's lawless behavior extend well beyond chilling and changing ABC's speech and its coverage of this administration. Chairman Carr has

[15] Alex Weprin, "FCC Chairman Says ABC License Move 'Unrelated' to Jimmy Kimmel: 'They Were Playing Rope a Dope'," *Hollywood Reporter* (Apr. 30, 2026).

[16] *See, e.g.*, *National Rifle Association of America v. Vullo*, 144 S.Ct. 1316, 1328 (2024) ("[A] government official cannot do indirectly what she is barred from doing directly: A government official cannot coerce a private party to punish or suppress disfavored speech on her behalf.").

[17] 47 U.S.C. § 326.

made it abundantly clear that broadcasters and other firms' FCC licenses are conditionally granted based purely on whether or not those licensees successfully navigate the political "permission structure" he's implemented on President Trump's behalf.[18] This abhorrent speech-chilling behavior befits an autocrat, not an erstwhile independent agency head who actually cares about the public interest and upholding the First Amendment.

II. The Commission Has Not Identified Any Specific Allegations of Disney/ABC Rulebreaking or Discrimination, and Alleged No Specific Violations of the Equal Employment Opportunities Rules.

It is obvious that the Commission's recent actions targeting ABC are based on a very specific political motivation: punishing Disney for airing programs that have not shown absolute fealty to Donald Trump. Chairman Carr insists though, with his trademark insipid smirk and a conspicuous wink-and-nod, that this proceeding is purely about his vague claims that Disney violated the Commission's rules including prohibitions against "unlawful discrimination."[19] But while this comes out of one side of Carr's mouth, he's capriciously targeting ABC's *The View* program too, and threatening the company by saying that "[w]e can do this the easy way or the hard way"[20] in response to Jimmy Kimmel's First Amendment-protected speech. Carr's dog whistles about ABC, *The View*, and Kimmel were so loud that the petitioners in this proceeding

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[18] Portending his actions that culminated in this and the related *View* proceeding, Carr stated in a September 2025 interview that the U.S. is "in the midst of a massive shift in dynamics in the media ecosystem for lots of reasons, again, including <u>the permission structure</u> that President Trump's election has provided. And I would simply say we're not done yet with seeing the consequences of that." The notion of an election providing "permission" for the federal government to police speech should be shocking, but a predilection for strongman autocratic tactics over democratic legal norms is part and parcel of being a Trump Administration appointee. *See* Meredith Kile, "FCC Chair Brendan Carr Warns 'We're Not Done Yet' After Jimmy Kimmel Is Pulled Off the Air," *People* (Sept. 18, 2025) (emphasis added).

[19] *See, e.g.*, Joe Flint, "Disney's ABC Calls FCC's License Review a Threat to Speech. What to Know About the Feud," *Wall Street Journal* (May 28, 2026).

[20] Daniel Dale, "Fact check: Vance, rewriting last week's history, claims FCC chair just made a 'joke' about Kimmel," *CNN* (Sept. 25, 2025).

devoted much of their filings to ABC's programming and speech, not the supposed "unlawful discrimination" that Carr usually insists is the sole reason for this unprecedented early renewal proceeding.[21]

Or at least that <u>was</u> Carr's claim until Donald Trump jerked the strings again on his favorite puppet at the FCC. Now, despite that earlier and non-credible insistence, Carr's letting the true purpose of this proceeding slip out even more. On July 22 (nearly a month into this proceeding's pleading cycle, and long after petitions to deny were due in June) Carr told reporters that the Commission's review of Disney's licenses would consider ABC's decision to not preempt its prime time programming to carry a Trump speech live.[22] Carr said "I think when you have the president of the United States standing inside the White House delivering an important speech, I think that's something that broadcasters should be carrying. And so, obviously, this is an issue. . . There have been lots of concerns raised, including by members of Congress, about whether broadcasters and their decisions there comply with the public interest."[23] Carr of course had no such thoughts when networks made the exact same kind of decision to not carry a President Biden primetime address.[24] Nor did Carr explain how it would serve the public interest to force broadcasters to air <u>some</u> presidential addresses but not others. For Carr, his misshapen view of the public's interest is nothing more than Trump's partisan

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[21] *See, e.g.*, Petition to Deny of Media Research Center; Petition to Deny of The Center for American Rights; Petition to Deny of America First Legal. All three of these petitions to deny were filed in the above-captioned MB Docket No. 26-131 on June 29, 2026.

[22] Matthew Keys, "FCC Chairman Carr: ABC decision to skip Trump speech will factor into license review," *The Desk* (July 22, 2026).

[23] Ted Johnson, "After Trump Threat, FCC Chairman Says ABC's Decision Not To Carry POTUS Speech Likely To Be Raised In Early Review Of Broadcast Licenses," *Deadline* (July 22, 2026).

[24] Paul Farhi, "As Biden warned about democracy's collapse, TV networks aired reruns," *Washington Post* (Sept. 2, 2022).

interest. Carr clearly has no basis to revoke a broadcast network's owned-and-operated local affiliate licenses just because the parent network declined to preempt programming and decided not to air a political speech. The very notion would be laughable, if Carr's continued ridiculous blundering were not such a dangerous disregard for all First Amendment freedoms. Hence the paper-thin focus on the face of the *Early Renewal Order* and *Notice* on supposed "unlawful discrimination."

So then, what are those supposed discriminatory actions that may have violated the Commission's rules, and what rule or rules is Disney accused of violating? The *Early Renewal Order* and the *Notice* do not say. The *Early Renewal Order* simply states, "the FCC has been investigating Disney's ABC stations for possible violations of the Communications Act of 1934 and the FCC's rules, including the agency's prohibition on unlawful discrimination."[25] The *Notice* elaborates somewhat, stating that "the FCC has been investigating whether Disney's ABC engaged in prohibited practices by hiring, promoting, compensating, and/or providing workplace opportunities to people based on race, gender, or other protected characteristics in violation of federal nondiscrimination laws."[26] Yet the *Notice* contains no details or citations that would allow parties with interest in this proceeding to understand the central allegation against Disney. Neither the *Notice* nor the *Early Renewal Order* cite the specific FCC rules that Disney is accused of violating, let alone why any such rule violation could ever trigger an early renewal process or license revocation.

The public is therefore left to fill in the blanks. Based on the Petitions to Deny that were filed in this proceeding, it appears that the Commission's entire basis for this allegation of unlawful discrimination is an "investigation request" filed with the Equal Employment

[25] *Early Renewal Order* ¶ 1.

[26] *Notice* at 1-2.

Opportunities Commission ("EEOC") by the far-right activist group America First Legal ("AFL") in February 2024.[27] This request was based not on any specific allegations of unlawful employment discrimination, but on AFL's distorted representation of a single Disney website that contained aspirational language about the company's representation of and employment of "underrepresented groups."

Thus, if one squints at the pronouncements coming out of Carr's Media Bureau, it appears that the Commission is alleging (and therefore "investigating" Disney for) potential violations of 47 C.F.R. § 73.2080—though it is completely unclear which specific rule or rules. The omission of any specific allegations is quite telling, and another indicator of the rogue nature of the Commission's actions under Carr. That is because the <u>only</u> specific allegation against Disney for engaging in "unlawful discrimination" seems to be AFL's February 2024 EEOC investigation request.

However, whatever the merits of AFL's 2024 allegations, they were long ago rendered moot. Less than a year after filing that investigation request, AFL declared it had "secured a major victory as the Walt Disney Company retreated from key corporate Diversity, Equity, and Inclusion (DEI) policies."[28] AFL was referring to Disney's shuttering of its "Reimagine Tomorrow" website that mentioned its aspirational goals around on-screen representation of and employment of "underrepresented groups."[29]

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[27] Letter from Reed D. Rubinstein, Senior Vice President, Am. First Legal, to Christine Park-Gonzalez, Dir. of Los Angeles District Office, U.S. Equal Emp. Opportunity Comm'n (Feb. 14, 2024).

[28] "VICTORY—Disney Abandons DEI Initiatives Following America First Legal's Civil Rights Complaint and Notices to CEO and Board," America First Legal, Press Release (Feb. 13, 2025).

[29] Sara Fischer, "Exclusive: Disney making changes to its DEI efforts," *Axios* (Feb. 11, 2025).

Though Chairman Carr belts out the phrase "invidious discrimination" in every discussion of corporate DEI initiatives, he has alleged absolutely nothing "invidious" or unlawful about Disney's current or former DEI practices. While quotas may be unlawful, setting aspirational goals and monitoring progress towards those goals is not.[30] And informing employees about the topic of diversity and inclusion and the employer's views on the benefits of an inclusive workplace likewise is not unlawful.[31] If there were a credible allegation that Disney or ABC engaged in actual invidious and unlawful discrimination, the Commission's "investigation" would surely have uncovered those allegations, and the Commission would have noted them in the *Early Renewal Order*. It did not.

Therefore, the Commission's central pretense for taking the unprecedented step of calling for early license renewal of all of ABC's licenses is completely bogus. ABC has not been found guilty of (or settled any allegations of) employment discrimination. The company was hit with an ideologically motivated EEOC investigation request for an issue the authors of that request themselves subsequently acknowledged as resolved. And it is critical to note that the Commission itself renewed ABC's licenses in August 2024, despite the February 2024 AFL EEOC investigation request. What changed between August 2024 and now, other than the election of an insecure man that traffics in white racial grievance politics?

If it were actually serious about enforcing its rules, the Commission would have <u>completed</u> its investigation of Disney's compliance with the EEO rules prior to initiating this extraordinary proceeding. That would give the FCC, the public, and the Commission's Administrative Law Judge actual facts to operate upon. Instead, the FCC rushed this proceeding

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[30] *See Johnson v. Transp. Agency*, 480 U.S. 616, 635-37 (1987).

[31] *Young v. Colo. Dep't of Corrs.*, 94 F.4th 1242, 1254 (10th Cir. 2024).

out the door, seemingly to placate Mad King Trump who took issue with yet another one of Jimmy Kimmel's jokes.

III. The Commission's Current EEO Rules Seek to Promote Diversity in Broadcast Employment, and the Available Facts Show Disney/ABC's Outreach Efforts and Company Policies Are in Compliance With Those Rules. The Commission Cannot Enforce A New Standard for the EEO Rules without Notice and Comment, and Cannot Penalize ABC for Actions Authorized Under the Existing Rules.

The FCC's EEO rules are specifically in place to promote diversity, equity, and inclusion in broadcasting. These rules go well beyond the prohibition against discrimination "in employment by [ ] stations because of race, color, religion, national origin, or sex."[32] The EEO policy requires "a <u>positive continuing</u> program of specific practices designed to ensure equal opportunity."[33] For example, the rules require FCC licensees to "conduct a continuing review of job structure and employment practices and adopt positive recruitment, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility."[34] And the rules are not coy about their purpose in alleviating discrimination against people subject to historical and present workforce exclusion. Among the list of initiatives stations can take is "[c]o-sponsoring at least one job fair with organizations in the business and professional community whose membership includes substantial participation of women and minorities."[35] Stations can meet their EEO obligations in part by producing a "listing of each upper-level category opening in a job bank or newsletter of media trade groups whose membership includes substantial participation of women and minorities."[36]

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[32] 47 C.F.R. § 73.2080(a).

[33] *Id.* § 73.2080(b) (emphasis added).

[34] *Id.* § 73.2080(b)(5).

[35] *Id.* § 73.2080(c)(2)(iii).

[36] *Id.*§ 73.2080(c)(2)(xii)

To stay in Donald Trump's good graces, Brendan Carr and other appointees must ignore the fact that their emperor has no clothes; but their obsequious show is a sham. Most serious people of all political stripes understand why there was and is a need for the EEO rules in the first place: to remedy a historic imbalance in broadcast industry employment, which overindexed on people who identify as white and male. The rules, first adopted in 1969,[37] were adopted directly in response to the nation's civil rights reckoning and the findings of the Kerner Report.[38] Though the specifics of the rules themselves have changed over the decades (often in response to

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[37] *See Nondiscrimination Employment Practices of Broadcast Licensees,* 18 F.C.C. 2d 240 (1969). Sex was added as an impermissible basis for discrimination in May 1970. *See Nondiscrimination Employment Practices of Broadcast Licensees*, 23 F.C.C. 2d 430 (1970).

[38] *See, e.g.*, *Statement of Policy on Minority Ownership of Broadcast Facilities*, Public Notice, FCC 78-322, at 1-2 (May 25, 1978) ("One decade ago, as a partial response to the concerns expressed in the Report of the National Advisory Committee on Civil Disorders ('The Kerner Report'), the Commission articulated policies and principles which would guide it in its consideration of complaints that its licensees—or those who would be its licensees—had discriminated against minorities in their employment practices. We observed that 'we simply do not see how the Commission could make the public interest findings as to a broadcast applicant who is deliberately pursuing or preparing to pursue a policy of discrimination—of violating the National Policy.' One year later, July 16, 1969, the Commission adopted rules which, in addition to forbidding discrimination on the basis of race, color, religion or national origin, also required that 'equal opportunity in employment be afforded by all licensees or permittees . . . to all qualified persons.' [. . .] Just two years ago, we reiterated and clarified our policy on employment discrimination. We emphasized that our rules embodied the concepts of nondiscrimination and affirmative action, observing that: 'An Affirmative Action Plan is a set of of specific and result oriented procedures which broadcasters must follow to assure that minorities and women are given equal and full consideration for job opportunities.'") (internal citations omitted).

court rulings),[39] the underlying purpose for the EEO rules remains unchanged: making broadcast employment opportunities genuinely available to everyone.[40]

It is important to note that the EEO rules as they stand today rely largely on voluntary efforts by broadcasters to broaden their outreach to underrepresented populations. This is in essence the outcome of a balancing act that the Commission undertook in the *2002 EEO Order* in order to be responsive to the courts in *Lutheran Church* and *MD/DC/DE Association*. Disney's EEO compliance was apparently not an issue during the Commission's most recent review of ABC's licenses, as the FCC granted their renewal applications in August 2024. To be sure, the Commission has the authority to revisit its EEO policies and how it administers and enforces the EEO rules. And perhaps whatever changes this Commission would like to make to the EEO rules and enforcement would impact how broadcast licensees, including ABC, conduct their business. But without providing licensees and the public with adequate notice and comment, the Commission cannot enforce a new standard for the EEO rules just because Brendan Carr says so. The Commission is also barred from penalizing Disney for actions authorized under the existing rules. What's more, the Commission cannot take the extraordinary step of revoking ABC's licenses based on vaguely alleged yet unstated violations of the EEO rules.

IV. Though Other Broadcasters Have Faced and Settled EEOC Discrimination Cases, the FCC Never Initiated Early License Renewal Proceedings Against Them, Nor Threatened Those Broadcasters with License Revocation.

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[39] *See Lutheran Church-Missouri Synod v. Federal Communications Commission*, 141 F.3d 344 (D.C. Cir. 1998) ("*Lutheran Church*"); *see also MD/DC/DE Broadcasters Ass'n v. Federal Communications Commission*, 236 F.3d 13 (D.C. Cir. 2001) ("*MD/DC/DE Association*"). More recently, the Fifth Circuit struck down the reinstatement of data collection via Form 395-B. *See Nat'l Religious Broadcasters v. FCC*, 138 F.4th 282 (5th Cir. 2025). Yet, the 2002 rules remain in place. *See id.*, 138 F.4th at 289; *see also Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, MM Docket No. 98-204, Second Report and Order and Third Notice of Proposed Rule Making, 17 FCC Rcd 24018 (2002) ("*2002 EEO Order*").

[40] *See, e.g.*, *2002 EEO Order,* 17 FCC Rcd at 24027, ¶ 23; *id.* at 24032, ¶ 36.

The corrupt and political motivation behind this unprecedented proceeding is made all the more transparent when considering how the Commission (under earlier chairs and under Brendan Carr too) has enforced its EEO rules. While Carr is threatening to take away ABC's licenses for supposed discriminatory behavior that the FCC has yet to specify, he has yet to comment on much less threaten the licenses of other broadcasters who have been sanctioned for specific instances of actual workplace discrimination.

During the first Trump administration, the EEOC entered into a consent decree with CBS, which was charged with age-based workplace discrimination.[41] As a part of that decree, CBS paid $215,000 to the former employee, and committed to not engaging in age-based discrimination while also conducting additional compliance training. Though this is a clear-cut example of invidious discrimination, it did not factor into the station's (KTXA) most recent license renewal.

Perhaps Carr simply isn't interested in instances of broadcasters engaging in employment discrimination that occurred prior to his elevation as FCC Chair? Well, that would not seem to be the case given the fact that less than a year ago (and several months into Carr's tenure as chair), Sinclair Broadcasting agreed to "pay $100,000 and provide other relief to settle a race discrimination case" filed by the EEOC.[42] According to the EEOC, Sinclair subjected "a black female employee, a financial analyst, to unlawful pay discrimination." The EEOC stated that "[d]espite her strong work performance at the company, she was undercompensated compared to other analysts." She was "constructively discharged" after "the company refused to adjust her

[41] "CBS Broadcast Affiliate in Texas to Pay $215,000 to Settle EEOC Age Suit for Female Reporter," U.S. Equal Employment Opportunity Commission, Press Release (July 13, 2020).

[42] "Sinclair Broadcast Group to Pay $100,000 in Race Discrimination Case," U.S. Equal Employment Opportunity Commission, Press Release (Aug. 4, 2025).

salary to remedy the unequal pay."[43] The consent decree that the EEOC entered into with Sinclair required the broadcaster "to pay $100,000 in back pay and compensatory and punitive damages, and to provide periodic reporting, monitoring, and training to employees to ensure compliance with Title VII."[44]

Underpaying a woman of color relative to colleagues despite a positive performance record, and fostering a work environment that led to "constructive discharge" because of the employee's race, would seem on its face to be "invidious discrimination." It certainly doesn't meet the FCC's EEO rule requirement for licensees to ensure "nondiscrimination in every aspect of station employment policy and practice."[45] And the consent decree's requirement for Sinclair to monitor compliance with Title VII suggests it may not have complied with the FCC's EEO rule to "[e]xamine rates of pay and fringe benefits for employees having the same duties, and eliminate any inequities based upon race, national origin, color, religion, or sex discrimination."[46]

The arbitrary and capricious nature of Carr targeting Disney for unspecified allegations of invidious discrimination is made all the more clear considering that the 2025 EEOC consent decree with Sinclair was the second one it had entered into with that broadcaster in under two years. In August 2023, after facing an EEOC suit alleging it engaged in disability-based workplace discrimination, Sinclair agreed to "pay $85,000 in back pay and compensatory damages, and to provide periodic reporting, monitoring, and a process for reviewing future disability discrimination complaints."[47]

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[43] *Id.*

[44] *Id.*

[45] 47 C.F.R. § 73.2080(b).

[46] *Id.* § 73.2080(c)(4)(iii).

[47] "Sinclair Broadcast Group to Pay $85,000 to Settle EEOC Disability Suit," U.S. Equal Employment Opportunity Commission, Press Release (Aug. 31, 2023).

The EEOC also required Sinclair "to provide training to ensure compliance with the ADA, including anti-stigma training aimed at reducing stigmatizing behavior in the workplace and protecting those with mental impairments from harassment, degrading conduct and discrimination."[48] Yet despite the fact that Sinclair has a recent track record of credible and specific allegations against it for various forms of workplace discrimination, Carr has not called for the early review and renewal of its licenses. Indeed, Sinclair's sorry track record did not factor at all into recent FCC decisions to grant more licenses to the company.[49]

Carr's politics seemingly demand that he treat corporate DEI programs as invidious discrimination on par with segregated water fountains, while completely ignoring it when one of the largest broadcast chains is held to account for racial discrimination by the Trump Administration's EEOC. It is patently obvious that Carr has no serious interest in preventing discrimination, and cares for nothing but punishing broadcasters that Donald Trump dislikes while rewarding those Trump favors. But the law and Constitution do not permit the Commission to violate ABC's and the public's rights in the pursuit of pleasing this fragile president, all just to further elevate Carr's fame amongst right-wing influencers.

V. In Order to Reverse the Chilling Effects on ABC and Other Licensees, The FCC Must Rescind the Early Renewal Order.

The Trump administration's exploitation of white racial grievance politics may play well with the red hat base, but the Commission's attempt to enact retribution against ABC for employing Jimmy Kimmel is dangerous, unlawful, and un-American. Chairman Carr has no

[48] *Id.*

[49] *See, e.g.*, Matthew Keys, "FCC approves transfer of five TV station licenses to Sinclair," *The Desk* (Feb. 3, 2026) (citing FCC approvals of license transfers for KMTR, WEMT, KCVU, KBVU and WPFO); *see also* George Winslow, "FCC Approves Transfers of Three Station Licenses to Sinclair," *TV Tech* (Feb. 23, 2026) (citing FCC approvals of license transfers for WEYI, WGTU and WHAM).

credibility or claim to impartiality. He certainly has shown that so long as he leads the FCC, the public should presume that every license renewal and transfer proceeding is riddled with corruption. Because of Carr's repeated jawboning, broadcasters are now effectively under prior restraint, knowing that if they get on Trump's bad side Carr will work to revoke their licenses, even if they are in full compliance with the law and the Commission's existing rules.

Apparently this pleading cycle is a mere formality, with press reports indicating that Carr has already decided to take the next step to revoke ABC's licenses.[50] But even if the FCC's Administrative Law Judge ("ALJ") ultimately finds no basis to deny the renewal applications, that decision could take years.[51] And as Disney notes, because "Section 307(d) of the Act prohibits the Commission from granting a renewal more than thirty days before license expiration . . . this proceeding cannot conclude in the grant of a license renewal at any time during the current Administration."[52] Surely Carr and the Commission are aware of this consequence, which makes it obvious that the decision to issue the extraordinary call for early renewal instead of completing the supposed EEO investigation first was done to punish ABC for its speech.

Thus the *Early Renewal Order* sets up a "heads ABC loses, tails ABC loses" situation. If the FCC sits idle, the *Early Renewal Order* hangs over Disney's head like the "Sword of Damocles," which will undoubtedly cause the company to alter how it exercises its First

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[50] Kelcee Griffis, "FCC Near Rulings Against Disney Over 'The View,' TV Licenses," *Bloomberg* (July 15, 2026) ("The FCC is also preparing to send a probe into the company's broadcast licenses to an agency hearing, the next step toward potential license revocation . . .").

[51] There are few examples of the Commission referring a license renewal to the ALJ and the ALJ ruling for the licensee. The most noteworthy is the case of RKO General. The FCC referred the matter to the ALJ in December 1969, with the ALJ's decision coming in June 1974. *See* 8 F.C.C.2d 147 (1974).

[52] ABC Objection at 17.

Amendment-protected right to free speech and freedom of the press. If the FCC refers the matter to the ALJ, Disney will have to spend potentially years dealing with the burden of fighting to restore the *status quo*. And even if the ALJ acts quickly to rule in ABC's favor, the licenses cannot legally be renewed until the next administration (presuming of course that Trump leaves office at the end of his second term, something very much in doubt due to Trump's own words). The Commission therefore must rescind the *Early Renewal Order*, dismiss the early renewal application, and close this proceeding.

VI. Conclusion

This proceeding is an extraordinary and unprecedented farce. It will surely be taught to future communications policy practitioners and First Amendment scholars to illustrate the previously unfathomable depths of corruption to which Brendan Carr is willing to descend. There is no legitimate basis for this proceeding, and certainly no specific allegations against Disney that would merit license revocation or early renewal trials. Though press reports indicate the Chairman has already determined to take the next step towards revoking Disney's licenses, we nonetheless urge the Commission to step back from the brink. It must rescind the *Early Renewal Order*, dismiss the early renewal application, and close this proceeding.

Respectfully Submitted,

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July 29, 2026

AFFIDAVIT

This Opposition to Petitions to Deny was prepared using facts of which the Commission may take official notice, pursuant to Section 1.939(f) of the Commission's rules, or facts of which I have personal knowledge or upon information provided to me.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my information, knowledge, and belief.

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