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ALERT

FCC Media Bureau Provides Guidelines for Processing of Broadcast Applications for Licensees with Pending Remedial Foreign Ownership Petitions

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On May 19, the Media Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) released a Public Notice providing guidance on how the Bureau will process broadcast applications filed or already on file while the broadcast licensee also has a "remedial" foreign ownership petition for declaratory ruling pending before the Commission. The Public Notice follows the Commission's adoption of the *2026 Foreign Ownership Report and Order*, which codified certain definitions and procedures governing the disclosure and approval processes for foreign ownership of entities that hold FCC licenses and authorizations (see our summary of that item here). Among other things, the *2026 Foreign Ownership Report and Order* revised the FCC's rules to allow privately held entities to take advantage of the remedial petition process for inadvertent noncompliance with foreign ownership rules. This process was previously available only to U.S. public companies. The remedial petition process permits broadcasters and other licensees subject to the foreign ownership rules to address violations of those rules without prior FCC approval.

As the Public Notice explains, the *2026 Foreign Ownership Report and Order* directed the Bureau to specify guidelines for processing applications filed by a broadcast licensee while it has a remedial foreign ownership petition pending. The Public Notice divides broadcast applications into three categories: (1) applications related to the continued operation of existing broadcast facilities (e.g., requests for special temporary authority and minor modification

Authors

Eve Klindera Reed
Partner
202.719.7404
ereed@wiley.law

Stephen J. Conley
Associate
202.719.4572
sconley@wiley.law

Practice Areas

Foreign Ownership, Control or Influence (FOCI)
Media
Privacy, Cyber & Data Governance
Team Telecom
Telecom, Media & Technology

applications); (2) applications for transfer of control or assignment of licenses (including *pro forma* applications); and (3) applications for new authorizations (e.g., construction permits for new facilities, major modifications of existing facilities, and license renewal applications). The Public Notice provides that the Bureau will treat these applications as follows:

- ***Routine Applications.*** As long as a remedial petition is complete and the licensee is otherwise in compliance with FCC rules and policies, the Bureau will typically proceed with processing applications related to continued operations, without imposing additional conditions on the grant of the application.
- ***Transfer of Control or Assignment Applications.*** Provided that a remedial petition is complete and the licensee is otherwise in compliance with FCC rules and policies, the Bureau will typically process transfer of control or assignment applications, subject to conditions designed to minimize the involvement of unapproved foreign interest holders.
- ***Applications Related to New Authorizations, Major Modifications, and Renewals.*** The Bureau will typically decline to process applications for new authorizations, major modifications, and renewals while a remedial petition is pending, deferring processing until after the FCC resolves such a petition.

Notwithstanding this general guidance, the Bureau explains that it "may determine in a particular case that a grant of a" specific application, "even with conditions, is not advisable" when a remedial petition is pending.

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Wiley's Telecom, Media & Technology and National Security practices have significant experience assisting parties in preparing FCC applications and navigating foreign ownership restrictions, including the preparation of foreign ownership declaratory ruling petitions and handling associated Team Telecom reviews. If you have questions about the Public Notice, please contact one of the authors of this alert.