



## Gray Files Supreme Court Brief Supporting Modernized Television Station Ownership Rules

November 24, 2020

**Atlanta, Georgia, Nov. 24, 2020 (GLOBE NEWSWIRE) -- Gray Television, Inc. ("Gray," "we," or "our") (NYSE: GTN)** announced today that it has filed in the US Supreme Court an *amicus* brief supporting the reversal of a lower court decision that hinders efforts by the Federal Communication Commission ("FCC") to modernize its broadcast ownership rules. The brief can be viewed at [www.gray.tv/2020amicusbrief](http://www.gray.tv/2020amicusbrief).

Over the last 15 years, the FCC has attempted repeatedly to update its regulations in light of today's competitive media marketplace, as directed to do so by statute. The FCC, however, has been stymied consistently by the US Court of Appeals for the Third Circuit, which effectively has frozen the regulatory landscape as it existed in 1941 when the FCC first adopted a "one-to-market" rule and when the media marketplace was enormously different than it is today.

Gray's brief argues that the FCC's modernized rules should finally be allowed to take effect because the agency issued them in full compliance with its obligations under Section 202(h) of the Telecommunications Act of 1996.

The appeal arises from the FCC's most recent effort to update its broadcast ownership rules under Section 202(h), which provides that the FCC "shall review its rules" every four years, "shall determine whether" they are "necessary in the public interest as the result of competition," and, if they are not, "shall repeal or modify" them. Gray's *amicus* brief contends that the proper interpretation of Section 202(h) is that it requires the FCC to consider—first and foremost—the effects of marketplace "competition" when modernizing its rules, and the Third Circuit's ruling is incorrect because it requires the agency to elevate other policy considerations over the effects of "competition." At issue in this case are modernized regulations that the FCC issued in 2017 after considering the ever-increasing competition from low-cost digital media sources, which undercuts the development of high-quality local news and journalism.

Gray's brief also argues that the Third Circuit's decision harms small and mid-sized communities around the nation by depriving them of the benefits of the FCC's updated broadcast ownership rules. These communities require substantial investment in order to receive high-quality local news and community programming. Gray's business model and experience in developing and delivering award-winning local news and community programming illustrate firsthand that the FCC's modernized regulations would facilitate those necessary and important investments.

David Mills, Elizabeth Prelogar, Robert McDowell, and Barrett Anderson of Cooley LLP prepared and filed the *amicus* brief on Gray's behalf. Gray anticipates a ruling by the Supreme Court by June 2021.

### About Gray:

Gray currently owns and/or operates television stations and leading digital properties in 94 television markets, including the number-one rated television station in 68 markets and the first or second highest rated television station in 86 markets. Gray's television stations cover approximately 24 percent of US television households and broadcast approximately 400 separate programming streams, including nearly 150 affiliates of the CBS/NBC/ABC/FOX networks. Gray also owns video program production, marketing, and digital businesses including Raycom Sports, Tupelo-Raycom, and RTM Studios, the producer of PowerNation programs and content. For further information, please visit [www.gray.tv](http://www.gray.tv).

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Source: Gray Television, Inc.