

LAW OFFICES

SMITHWICK & BELENDIUK, P.C.

5028 Wisconsin Avenue, N.W.
Suite 301
Washington, D.C, 20016

OFFICE: (202) 363-4050
FAX: (202) 363-4266

GARY S. SMITHWICK
ARTHUR BELENDIUK

COUNSEL

MARK B. DENBO
M. SCOTT JOHNSON

ARTHUR BELENDIUK
DIRECT: (202) 363-4559
MOBILE: (301) 706-4519
ABELENDIUK@FCCWORLD.COM

September 18, 2026

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Notice of Ex Parte Presentation, MB Docket No. 26-131

To Ms. Dortch:

On Wednesday, September 17, 2026, Frequency Forward (FF) and the Media Action Center (MAC) met with Commissioner Anna Gomez and members of her staff to discuss the groups' work fighting on behalf of ABC viewers across the country to protect the First Amendment and ensure they have standing in Chairman Brendan Carr's investigation of the eight Disney-owned ABC television stations, including his call for early license renewal applications as well as any issues that may be designated for hearing. Commissioner Gomez was joined by Deena Shetler, Chief of Staff and Legal Advisor, and Jonathan Uriarte, Strategic Communications and Policy Advisor. Attendees representing FF and MAC included Elizabeth Battiste, Board Chair of Frequency Forward; Sue Wilson, Executive Director of the Media Action Center; and Arthur Belendiuk of Smithwick & Belendiuk, P.C.

During the meeting, Ms. Battiste provided an overview of Frequency Forward. She explained why it was necessary for the organization to join the Media Action Center to file a *Petition to Deny*,¹ demanding the FCC grant Disney's renewal applications immediately and warned that if Disney agrees to restrict its speech or editorial independence to secure those renewals, the groups will seek license revocation. As parties to the FCC proceeding, the petitioners gained procedural rights unavailable to informal commenters and preserved a pathway to challenge the Commission's actions in court, if necessary.

Ms. Battiste further explained that:

¹ Frequency Forward & Media Action Center, [Petition to Deny](#), FCC (filed June 26, 2026)

- Frequency Forward was established as a public-interest watchdog focused on transparency and accountability at the FCC, with particular attention to conflicts of interest and broadcast licensing and the public airwaves .
- Frequency Forward strongly supports Disney's challenge and firmly believes Chairman Carr must not be allowed to weaponize the FCC to pressure broadcasters to change their journalism, programming, or editorial judgment.
- Disney itself has argued that the ultimate injury caused by the FCC's actions is to the public. Frequency Forward therefore believes viewers should have an independent role in proceedings concerning that injury. By becoming parties to the FCC proceeding, the petitioners can scrutinize any negotiations between Disney and the Commission and ensure that viewers' interests are represented if Disney's corporate interests and the public interest diverge.
- Frequency Forward views the *Petition to Deny* as a necessary response to what it described during the meeting as an extraordinary use of the Commission's licensing authority to pressure ABC over its programming and editorial judgment.

Ms. Wilson explained that the Media Action Center's involvement is grounded in the principle that the public airwaves belong to *We the People* and that broadcast licenses are held as a public trust. Drawing on her experience as a former broadcast journalist and longtime media advocate, including years of work involving Sinclair and other broadcast-license proceedings, Ms. Wilson discussed the need for the public to have a meaningful and independent role in the license review process.

With our very democracy at stake, Sue emphasized that filing a *Petition to Deny* was the only way to become formal parties to this anti-First Amendment proceeding and defend the public interest from the weaponization of the FCC. The group's goal is to ensure that Disney, ABC, and the Commission have no opportunity to secretly negotiate away the people's rights to the publicly-owned airwaves.

Ms. Wilson further explained that:

- The Media Action Center does not oppose legitimate FCC oversight of broadcasters. Rather, it distinguishes between holding licensees accountable to their public-interest obligations and using the licensing process to influence programming, journalism, or editorial judgment.
- The groups support Disney's efforts to fight back against the FCC and Chairman Brendan Carr's unconstitutional assault on press freedom. But as Disney argues in its lawsuit,² "the ultimate injury here is not to the station or its parent company... it is to the public."
- ABC viewers have an independent First Amendment interest in receiving news, information, and programming free from government interference. That interest is distinct from Disney's. The company has a legal and fiduciary obligation to its shareholders, and its corporate interest is in preserving its licenses. Media Action Center and Frequency Forward are fighting in the public interest to protect and preserve the integrity of the First Amendment.

² *American Broadcasting Cos. v. Federal Communications Commission*, Civil Case No. 1:26-cv-02902

- Ms. Wilson cautioned that continued regulatory pressure could create incentives for a negotiated resolution between Disney and the FCC. She cited Disney's \$15 million settlement of a law suit³ that President-elect Donald Trump brought against the network as an example of why the organizations believe Disney can not independently represent the public interest.
- Finally, Ms. Wilson stressed that this is not a progressive issue. It is not a partisan issue. It is an American issue. And as a former journalist, she and the Media Action Center have always approached their work independently. They are guided by the principle that the government should not be able to control access to the public airwaves based on political pressure or viewpoint.

Mr. Belendiuk, legal counsel for the petitioners, explained that the *Petition to Deny* and the subsequent *Motion to Intervene* in Federal Court were designed to put ABC viewers in the strongest possible legal and procedural position to protect their rights. He emphasized that simply filing comments or submitting an amicus brief does not make a participant a party to a proceeding. By contrast, party status can provide standing, preserve claims, and create access to procedural tools needed to protect viewers if Disney's interests and the public's diverge.

Mr. Belendiuk further explained that:

- This legal strategy is necessary because the FCC has taken the unprecedented step of threatening the integrity of the news by seeking to replace ABC's journalistic judgment with an administration-friendly point of view.
- Our position is that the viewers – the American public – have already been injured because government pressure is altering the news and programming they receive. That injury is directly traceable to the FCC's actions, and it is why viewers must have a seat at the table.
- We also emphasize that Disney cannot adequately represent viewers' interests. Disney is responsible to Disney. It has shareholders, valuable licenses, business interests, and a fiduciary responsibility to make decisions based on what its corporate leadership believes is best for the company.
- If Disney and the FCC reach an agreement that preserves the licenses but includes explicit or implicit concessions affecting programming, editorial judgment, or speech, Disney may conclude that agreement serves its corporate interests. Our clients may reach exactly the opposite conclusion.
- We also want to examine the evidence, test the government's explanations, help develop the factual record, and respond if Disney's interests and its viewers' interests diverge. We are committed to making public any information we obtain for public scrutiny.

We appreciate Commissioner Gomez and her staff for the productive dialogue and thank the Commissioner for her continued leadership in defending the First Amendment, standing up for a free and independent press, and protecting the democratic principles at the heart of our system of government.

³ The Washington Post: [ABC News to pay \\$15 million in Trump defamation suit settlement](#) (December 14, 2026)

Respectfully submitted,

/s/Arthur V. Belendiuk
Arthur V. Belendiuk
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W. #301
Washington, D.C. 20016
abelendiuk@fccworld.com
(202) 363-4559

Attachment

Media Action Center is a 501c3 not for profit group of concerned residents throughout the U.S. led by former Emmy-winning broadcaster turned media democracy advocate Sue Wilson. We successfully influence policy at the Federal Communications Commission and at local TV and Radio stations throughout the country to ensure We the People are truly served by Our publicly owned airwaves. MAC empowers viewers, whose rights are paramount, to exercise Our power as the legal owners of the Public Airwaves. We utilize OpEds in various publications combined with boots on the ground strategies for success. We only work on projects we deem achievable.

In 2011, our national Public Files Inspections led the FCC to put Public Files online.

<https://www.suewilsonreports.com/2011/12/occupy-clear-channel-day-after.html>

<https://www.suewilsonreports.com/2011/12/impact.html>

In 2014, MAC clarified the rights of candidate advocates under the Zapple Doctrine.

<https://www.mediaactioncenter.net/2014/05/fcc-zapple-doctrine-is-dead.html>

<https://opened.cuny.edu/courseware/lesson/250>

In 2017, After a ten year wait, we forced Entercom to give up its \$13.5 million license for sponsoring a deadly water-drinking contest.

<https://rbr.com/what-does-entercoms-sacramento-settlement-agreement-say/>

<https://bradblog.com/?p=12093>

In 2018, we started empowering local listeners across the country to take Alex Jones off their local radio dials. Appeals to the FCC were fruitless; but we estimate that our volunteers took Jones' radio program off about 25 radio stations by contacting local station management directly.

<https://www.sacbee.com/opinion/op-ed/soapbox/article222742110.html>

https://www.insideradio.com/free/activist-group-targets-alex-jones-for-alleged-violations-of-fcc-hoax-rule/article_88e7f39e-01ca-11e9-92c5-abcb53da7225.html

In 2020, we educated the Supreme Court in FCC v Prometheus Radio that multiple TV stations with one corporate owner often just duplicate news stories across all its stations; similar studies are currently being used in legal cases concerning the Nexstar/TEGNA merger.

[https://www.supremecourt.gov/DocketPDF/19/19-](https://www.supremecourt.gov/DocketPDF/19/19-1231/164674/20201223152750692_Sue%20Wilson%20Main%20Document%20E%20FILE.pdf)

[1231/164674/20201223152750692_Sue%20Wilson%20Main%20Document%20E%20FILE.pdf](https://www.supremecourt.gov/DocketPDF/19/19-1231/164674/20201223152750692_Sue%20Wilson%20Main%20Document%20E%20FILE.pdf)

In 2023, MAC was cited by the FCC in its decision to limit the number of TV licenses allowed in a single Market.

<https://www.mediaactioncenter.net/2024/02/media-action-center-cited-by-fcc-in.html>

MAC has submitted numerous Comments to the FCC over time, most notably this:

<https://www.mediaactioncenter.net/2021/10/4-2021-thursday-september-4-sue-wilson.html>

2026:

In January, MAC commented in answer to the FCC's question, "Is the View Bonafide News?"
<https://www.mediaactioncenter.net/2026/01/fcc-guidance-on-bonafide-news-and-its.html>

In June, we joined Frequency Forward in a current Petition to Deny the broadcast licenses of DISNEY/ABC at the FCC to ensure We the People have a seat at our Public Interest table.
<https://www.mediaactioncenter.net/2026/06/media-action-center-frequency-forward.html>

In August, MAC joined Frequency Forward in a Motion to Intervene in ABC/Disney v. FCC.
<https://www.mediaactioncenter.net/2026/08/frequency-forward-and-mac-file-to.html>
<https://www.thewrap.com/industry-news/business/abc-fcc-lawsuit-media-watchdogs-first-amendment-case/>