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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HARPER HELMS, MAJORITY STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

August 9, 2024

The Honorable Nathan Simington
Commissioner
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Dear Commissioner Simington:

On July 9, 2024, I sent letters to your colleagues, Commissioners Starks and Gomez, urging them to honor their commitments to Congress and insist that any approval of George Soros's takeover of Audacy's nationwide radio network be subject to a vote of the full Federal Communications Commission (FCC).¹ Considering the large number of stations involved, the presence of foreign ownership interests in excess of limits specified in federal law, and the deal's timing in the final run-up to the Presidential election, I argued that a thorough vetting by the full Commission was both an expected duty of the officeholder and necessary to protect the interests of the American public.

Despite Commissioner Gomez's sworn testimony that "commissioners should vote on matters of significant public interest,"² and Commissioner Starks's commitment that he was "eager to work with me" in ensuring that significant transactions are voted on by the full Commission,³ both commissioners refused to follow through on the promises they made to Congress and dodged my basic procedural request.⁴ Instead, your Democratic colleagues indicated they were eager to avoid accountability by letting faceless, unelected bureaucrats who were not accountable to the public or the Senate rubber-stamp the deal under the guise of delegated authority.

¹ Letter from Ranking Member Ted Cruz to Commissioner Starks (July 9, 2024), <https://www.commerce.senate.gov/services/files/016E1D6D-DAE5-4C01-A2D5-D647B46F96BF>; Letter from Ranking Member Ted Cruz to Commissioner Gomez (July 9, 2024), https://www.commerce.senate.gov/index.cfm?a=files.serve&File_id=9FB4E85D-5EAD-4DE2-9D5D-0B91E41B44BB.

² *Federal Communications Commission Nominations: Hearing Before the Senate Committee on Commerce, Science and Transportation*, 118th Cong. (June 22, 2023) (then-nominee Gomez response to Ranking Member Cruz), <https://www.commerce.senate.gov/2023/6/nominations-hearing-fcc>.

³ *Id.* (Commissioner Starks response to Ranking Member Cruz).

⁴ Letter from Commissioner Anna Gomez to Ranking Member Ted Cruz (July 22, 2024), https://www.commerce.senate.gov/index.cfm?a=files.serve&File_id=D3851A7B-69CB-41D1-BB23-FEA93F661A05; Letter from Commissioner Geoffrey Starks to Ranking Member Ted Cruz (July 22, 2024), https://www.commerce.senate.gov/index.cfm?a=files.serve&File_id=B380143C-30C9-4865-995A-EC959B430F6F.

In other words, despite their commitments to Congress, both Commissioners Starks and Gomez appear willing to turn a blind eye to Chairwoman Rosenworcel's pattern of abusing delegated authority. This was seen most starkly in the Commission's mishandling of the Standard General-TEGNA transaction, where instead of holding an open and transparent Commission-level vote, the Chairwoman violated FCC precedent and quashed the deal through a bureau-level order.⁵

In your opinion, were your colleagues' responses to my request appropriate? Or are you instead of the view that any transfer of Audacy's licenses requires comprehensive vetting by the full Commission? I ask that you respond in writing by August 23, 2024, including with the same commitment I requested from your colleagues: to insist that the transaction be reviewed by the full Commission, including any order granting a waiver of the FCC's foreign ownership rules to transfer Audacy's broadcast licenses to the reorganized Soros-backed entity.

Sincerely,



Ted Cruz
Ranking Member

⁵ Letter from Ranking Member Ted Cruz and Chair Cathy McMorris Rodgers to Chairwoman Jessica Rosenworcel (April 5, 2023), <https://www.commerce.senate.gov/services/files/8273A871-E975-4C80-AFEE-60D519DC7393>.