



# PUBLIC NOTICE

Federal Communications Commission  
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DA 19-1224  
November 29, 2019

## MEDIA BUREAU ACTION

### MEDIA BUREAU SEEKS COMMENT ON NATIONAL ASSOCIATION OF BROADCASTERS, ET AL. PETITION FOR RECONSIDERATION OF POLITICAL FILE ORDERS AND ESTABLISHES “PERMIT-BUT-DISCLOSE” *EX PARTE* PROCEDURES

MB Docket No. 19-363

**Comments and Oppositions Due:** [30 days after release]  
**Replies Due:** [45 days after release]

On November 15, 2019, the National Association of Broadcasters, Hearst Television, Inc., Graham Media Group, Nexstar Broadcasting, Inc., Fox Corporation, Tegna, Inc. and the E.W. Scripps Company (together, Petitioners) filed the above-captioned petition for reconsideration of the Memorandum Opinion and Order resolving complaints filed jointly against 11 commercial television stations by the Campaign Legal Center and Sunlight Foundation, alleging failure of the stations to maintain information in their political files as required by 47 U.S.C. §315(e).<sup>1</sup> In the context of the adjudication, the MO&O clarified the disclosure obligations imposed on broadcast licensees and other entities regarding requests for the purchase of time for non-candidate advertisements that communicate a message about “any political matter of national importance,” *i.e.*, issue ads.<sup>2</sup>

Petitioners request, among other things, that the Commission narrow its interpretation of the term “political matter of national importance” set forth in 47 U.S.C. §315(e)(1)(B) by specifying that this term applies only to a message “directed to or about national political actors in a position to take national political action on the matter”<sup>3</sup> and by excluding from the term’s definition “advertisements about state and local candidates and races.”<sup>4</sup> The Petitioners also request that the Commission eliminate the requirement that stations identify all “political matters of national importance” that are referenced in each

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<sup>1</sup>*Complaints Involving the Political Files of WCNC-TV, Inc., licensee of Station WCNC-TV, Charlotte, NC, et al.*, Memorandum Opinion and Order, 2019 WL 5296781 (rel. Oct. 16, 2019) (MO&O). In addition, Petitioners seek reconsideration of an Order resolving a similar political file complaint against the licensee of WCPO-TV. *Complaints Involving the Political Files of Scripps Broadcasting Holding, LLC, licensee of WCPO-TV, Cincinnati, OH*, Order, 2019 WL 5296782 (rel. Oct. 16, 2019) (Order).

<sup>2</sup> See MO&O at \*5 n.24.

<sup>3</sup> See Petition at 6.

<sup>4</sup> See Petition at 9.

issue ad and instead require stations to make “*reasonable, good faith* efforts to disclose the topics that are the *focus* of political ads.”<sup>5</sup> Further, Petitioners argue that the Commission should modify the Order to permit broadcasters to exercise their good faith judgment in using acronyms to identify sponsors of advertisements under 47 U.S.C. §315(e)(2)(G).<sup>6</sup> Finally, Petitioners assert that the Commission should have sought public comment to inform its statutory interpretations in the MO&O and request that the Commission seek comment on the Petition.<sup>7</sup>

We issue this Public Notice to seek comment on the Petition. The Petition is available electronically through the Commission’s Electronic Comment Filing System (ECFS) under the above-referenced docket number, which may be accessed on the Commission’s Internet website at <http://apps.fcc.gov/ecfs/>.

### **EX PARTE STATUS OF THIS PROCEEDING**

For *ex parte* purposes, the Petition is not exempt under Section 1.1204(b) of the Commission’s rules, nor is it permit-but-disclose under Section 1.1206(a) of the Commission’s rules. Therefore, we would ordinarily treat it as a “restricted” proceeding in which *ex parte* presentations are generally prohibited pursuant to Section 1.1208 of the Commission’s rules.<sup>8</sup> Under Section 1.1200(a), however, the Commission may adopt modified *ex parte* procedures “where the public interest so requires.”<sup>9</sup> In order to develop a full and complete record in this proceeding, the Bureau finds that the public interest will be served by adoption of modified *ex parte* procedures in this case. We shall therefore treat this proceeding as “permit-but-disclose” for *ex parte* purposes subject to the procedural requirements of Section 1.1206.<sup>10</sup>

Interested parties may file comments, oppositions, and/or replies on or before the dates indicated on the first page of this document.<sup>11</sup> Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. We strongly urge parties to use the ECFS to file submissions.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

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<sup>5</sup> See *id.* at 3 (emphasis included).

<sup>6</sup> See *id.* at 22.

<sup>7</sup> See *id.* at 5-6.

<sup>8</sup> 47 CFR § 1.1208.

<sup>9</sup> *Id.* § 1.1200(a).

<sup>10</sup> *Id.* § 1.1206.

<sup>11</sup> On November 22, 2019, Campaign Legal Center, Sunlight Foundation, Common Cause and the Benton Institute for Broadband & Society filed a motion seeking additional time for the filing of an opposition and reply to the Petition for Reconsideration filed by the National Association of Broadcasters *et. al.* (CLC Motion). As indicated above, all responses to the Petition (including comments, oppositions and replies) shall be subject to the comment schedule established by this Notice. Accordingly, the CLC Motion is dismissed as moot.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service First-Class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Filings are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554, telephone (202) 418-0270.

For further information, contact Robert Baker, Media Bureau, (202) 418- 1417 or Gary Schonman, Media Bureau, (202) 418-1795.