

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	MB Docket No. 14-226
Amendment of Section 73.1216 of the)	
Commission's Rules Related to Broadcast)	RM-11684
Licensee-Conducted Contests)	
)	

COMMENTS

The Coalition for Modernization of the FCC Contest Rule (the "Coalition"), by its attorneys, hereby submits these comments in support of updating the rule for licensee conducted contests to allow broadcasters to post the material terms of their contests online in lieu of on-air announcements.¹ Together, the Coalition's members own or operate 62 television stations and 169 radio stations in markets ranging from Boston, Massachusetts to Mason City, Iowa to Santa Barbara, California. Collectively, those stations conduct hundreds, if not thousands, of contests each year and frequently invite their viewers and listeners to enter promotions online or to go to station websites for more information. Because it will benefit consumers and broadcasters alike, the Coalition strongly supports bringing the Contest Rule into the 21st century by allowing broadcasters to satisfy their obligation to disclose material contest terms by posting the information online.²

¹ See Amendment of Section 73.1216 of the Commission's Rules Related to Broadcast Licensee-Conducted Contests, *Notice of Proposed Rulemaking*, DA 14-184 (rel. Nov. 21, 2014) (the "*Notice*"). The Coalition members are Block Communications, Inc.; Cordillera Communications, Inc.; Cox Media Group, Inc.; Digtity, LLC; Granite Broadcasting Corporation; and Meredith Corporation.

² 47 C.F.R. § 73.1216 (the "Contest Rule").

Commission rules require radio and television stations that broadcast information relating to station-conducted contests to “fully and accurately disclose the material terms of the contest, and conduct the contest substantially as announced or advertised.”³ Currently, stations must broadcast the material terms of the contest over-the-air, and such descriptions can be lengthy and complicated. Viewers and listeners often risk missing important contest requirements as they scramble to note the terms presented during these fleeting broadcasts.⁴

The Contest Rule was created in, and for, a media environment that no longer exists. The FCC adopted the Contest Rule in 1976, well before the Internet became a widely available resource for information.⁵ Today, consumers frequently turn to the Internet to access news, entertainment, and sports information – often from the websites of their favorite television and radio stations. The Commission has already confirmed the utility and public interest benefits of using the Internet for providing television viewers with important information when it required television stations to post their public inspection files online. In that proceeding, the Commission noted “[t]he Internet is an effective and low-cost method of maintaining contact with, and distributing information to, broadcast viewers.”⁶ The Commission’s proposed revision of the Contest Rule would allow broadcasters to more effectively serve consumers by allowing broadcasters either to disseminate material contest information over-the-air as they do today or

³ *Id.*

⁴ *Id.*, Note 2.

⁵ See Amendment of Part 73 of the Commission’s Rules Relating to Licensee-Conducted Contests, Report and Order, 60 F.C.C.2d (1976).

⁶ Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, *Second Report and Order*, 27 FCC Rcd 4535, 4542, ¶ 13 (2012).

post that information on an Internet website, depending on the extent and nature of the contest terms.⁷

Contest terms are often broadcast while viewers and listeners are involved in various other activities such as cooking, driving, or working. Accordingly, the collective experience of the Coalition members supports the notion that viewers and listeners can miss or fail to understand all material terms announced over-the-air during contest promotions because they are distracted by other tasks, increasing the possibility of confusion and failed expectations and making some less likely to enter a contest.⁸ Broadcasters can supplement on-air contest announcements with online postings of material terms, but doing so does not meet the requirements of the Contest Rule, so many broadcasters do not post their contest terms online. By allowing broadcasters to post contest terms online, both broadcasters and consumers will be served. Consumers will benefit because they will be able to review contest terms at any time and in a manner that permits greater comprehension. The costs to broadcasters of placing contest terms online will be negligible, since most stations already operate their own websites, and stations will devote less air time running strings of contest terms over the air. A better understanding of station contest terms will also benefit Commission staff, as wider access to contest terms online should reduce consumer confusion which, in turn, should reduce the number of consumer complaints.⁹

The Commission need not, however, adopt specific rules specifying the format for contest disclosures.¹⁰ Stations have promotional and economic incentives for having viewers

⁷ *Notice* at ¶¶ 10 and 14.

⁸ *See, e.g., Notice* at ¶ 6, note 20.

⁹ *See, e.g., Notice* at ¶ 10, note 34.

¹⁰ *Notice* at ¶¶ 10 – 12.

and listeners enter their contests and so have existing motivation to provide sufficient information about how to enter and participate in the contest. Indeed, many stations already have contest links on their websites that some viewers and listeners use to obtain contest information.¹¹ Moreover, stations want viewers and listeners to understand a contest's terms when they first submit an entry. Without the time constraints of on-air announcements, stations placing their contest terms on-line will be able to explain the terms more fully in the manner that best serves consumers and the station. For these reasons, the current Contest Rule requirements that broadcasters shall accurately disclose the material terms of a contest and conduct the contest in accordance with those terms are sufficient and need not be modified.

Should the Commission choose, however, to adopt specific requirements regarding the placement of the contest terms on station websites, those rules should be limited. For example, Coalition members would support a requirement that stations include a link on a station's home page that redirects visitors to general contest information, including material terms of currently running station-conducted contests. Stations could then include the URL to the station's homepage with any on-air promotion of station-conducted contests, and consumers could easily navigate from the home page to the contest information.¹² Since all of the terms would be listed in full online, the Commission need not adopt different requirements for posting material vs. posting non-material terms. All terms will be set out in full in an accurate manner. Furthermore, the Commission should require licensees to post contest information only for the duration of a

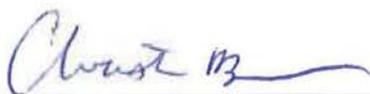
¹¹ See, e.g., the home page contest links on the websites for Cox Radio's KSMG-FM (www.magic1053.com); Dignity's WIRK-FM (www.wirk.com); Cordillera's WLEX-TV (www.lex18.com), and Granite's WBNG-TV (www.wbng.com).

¹² Such a provision would limit confusion because the URL for a station website is much easier for a viewer or listener to comprehend than those of sub-pages for a website. Compare, the home page of KSMG-FM (<http://www.magic1053.com/>), with a link to a recent promotion

contest so that consumers do not hastily assume a contest is still active when it has already closed.

Allowing broadcasters to post material contest terms online to comply with the Commission's Contest Rule will increase understanding of the parameters of licensee-conducted contests and better meet consumer expectations. For the foregoing reasons, the Coalition urges the Commission to swiftly adopt its proposed rule change to allow broadcasters to comply with the Contest Rule by posting material terms online.

Respectfully submitted,

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[\(http://www.magic1053.com/news/entertainment/contests/magic-1053-air-giveaways-2-9-15/nj5Fj/\)](http://www.magic1053.com/news/entertainment/contests/magic-1053-air-giveaways-2-9-15/nj5Fj/).