



March 25, 2015

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication, MB Docket No. 15-24

Dear Ms. Dortch:

On March 23, 2015, Rick Kaplan and the undersigned of the National Association of Broadcasters (NAB), met with William Lake, Mary Beth Murphy, Kalpak Gude, Robert Baker, Hope Cooper and Gary Schonman of the Media Bureau. The purpose of the meetings was to discuss closed Canal Partners Media, LLC's Petition seeking a Declaratory Ruling concerning how broadcasters sell political time.¹ Specifically, we reiterated the arguments set forth in our written comments that a broadcast station's use of Last-In-First-Out (LIFO) is both consistent with Section 315(b)(1) of the Communications Act and the Commission's own rules.² NAB also noted that Petitioner offered absolutely no factual support for his claims and thus it would be arbitrary and capricious for the Media Bureau, let alone the Commission, to grant the Petition.

NAB also referenced the fact that numerous broadcasters and affiliated associations supported NAB's opposition³, and not a single media buyer or other entity supported

¹Petition for a Declaratory Ruling, Canal Media Partners, LLC (Petitioner), MB Docket No. 15-24 (Sept. 29, 2014) (Petition).

² Opposition of the National Association of Broadcasters, MB Docket No. 15-24 at 2, 5-9 (Mar.2, 2015) (citing *Codification of the Commission's Political Programming Policies*, Memorandum Opinion and Order, 7 FCC Rcd 4611, 4614 (1992) which states that the "language and history of Section 315(b)" of the Communications Act show that Congress "specifically rejected" requiring "stations to provide candidates essentially non-preemptible time a preemptible rates").

³ See, e.g., Reply Comments of Oregon Association of Broadcasters; Reply Comments of Media General, Inc., Reply Comments of the ABC Television Network Affiliates Association; Reply Comments of the CBS Television Network Affiliates Association; Reply Comments of the FBS Television Network Affiliates Association; Reply Comments of the NBC Television Affiliates; Reply Comments of Sinclair Broadcast Group, Inc.; Reply Comments of Gray Television, Inc., MB Docket No. 15-24 (filed March 17, 2015).

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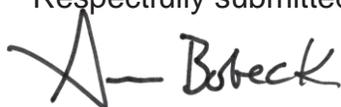
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any of Petitioner's claims. Rather, Media Buyer Jan Crawford Communications (JCC) points out that in practice, the arguments set forth by Petitioner do not bear any resemblance to actual political advertising practices. JCC notes that in its experience: (1) candidates are informed of pertinent rate information for all classes of time, including LIFO; and (2) political advertisers are not somehow inherently disadvantaged by LIFO.⁴ We agree with JCC that LIFO by its very nature establishes an equitable and legal rate structure for all buyers.

Finally, NAB explained that, by granting the Petition, the Media Bureau would effectively be eliminating the LIFO category of time, which is a very inexpensive option for political candidates (and all other advertisers). NAB believes that this consequence therefore would not even provide the Petitioner with his desired relief and certainly would not serve the public interest. Thus, NAB strongly urges the Commission to deny the requested Declaratory Ruling.

Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Ann West Bobeck". The signature is written in a cursive style with a large, stylized initial "A".

Ann West Bobeck
Senior VP and Deputy General Counsel
Legal and Regulatory Affairs

cc: Robert Baker
Hope Cooper
Mary Beth Murphy
William Lake

⁴ See Reply Comments of Jan Crawford Communications, MB Docket No. 15-24, at 1-2 (Mar. 16, 2015).