

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Expansion of Online Public File Obligations)
To Cable and Satellite TV Operators and) MB Docket No. 14-127
Broadcast and Satellite Radio Licensees)

COMMENTS OF THE CENTER FOR RESPONSIVE POLITICS

The Center for Responsive Politics files these comments in response to the FCC’s Notice of Proposed Rulemaking in Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees, 29 FCC Rcd 15943 (2014).

I. All cable, radio, SDARS, and DBS entities should use the FCC’s database

Cable, DBS, radio, and SDARS entities are currently required to maintain a “local” copy of their public inspection files. We support the proposal to require that these files be maintained online in the Consolidated DataBase System (“CDBS”) hosted by the FCC.

It is questionable whether radio stations and cable operators truly incur any additional burden by filing online, particularly since the database already exists and is ready to be used. We support the comments submitted by CLC *et al.* that the ability of each entity to handle any additional burden posed by the requirement to use the FCC database is proportional to ad revenue.¹ As some commenters have noted, ultimately the modernization of the FCC and the transition to a consolidated database will mitigate or even eliminate burdensome and ineffective paper disclosures; that position is supported by the recommendations of the FCC’s 2011 working group report.²

II. Public inspection files should be in searchable, sortable, and machine-readable formats

While the Center for Responsive Politics applauds the FCC’s progress in requiring stations to make their public inspection files available online, the Commission must act promptly

¹ Campaign Legal Center, Common Cause, and the Sunlight Foundation (CLC *et al.*) Comments, at 4-5, at available at <http://www.campaignlegalcenter.org/sites/default/files/FCC%20Reply%20Comments%20Filed%20by%20CLC%20et%20al.%20Regarding%20Expansion%20of%20Online%20Public%20File%20Obligations.pdf>

² *Information Needs of Communities Report*, at 348, available at https://transition.fcc.gov/osp/inc-report/The_Information_Needs_of_Communities.pdf

to ensure that broadcasters are uploading all of the required information so that the public will be informed in a timely way. To ensure better disclosure and improved compliance with the law, the Center for Responsive Politics urges the Commission to require broadcasters to standardize the data included in the public inspection file in machine-readable formats that can be searched, sorted, and downloaded.

Currently, broadcasters simply upload their files in portable document format (PDF). Records vary greatly from station to station. As a result, the current database is difficult to navigate and does not permit the aggregation of spending by a particular campaign or outside group.

In addition to eliminating burdensome or ineffective paper disclosures, the FCC should return to the original purpose of the “public inspection file” rules, which was to allow the “public” to “inspect” important information.³ A 2011 FCC working group report called for the political ad files to be put online and recommended that “as much data as possible [be] in a standardized, machine-readable format” that “could also enhance the of usefulness and accessibility of the data as well.”⁴

The Center for Responsive Politics supports the Commission's conclusion that the online public file should include major components of the existing public file, including the political file. Because of the unique role that broadcasters play in the electoral process, it is essential that the broadcast political file be made part of online public file.

Political advertising plays a critical part in the election process and can shape democratic outcomes profoundly. The political advertising disclosures included in the political file further the First Amendment's goal of an informed electorate by enabling the voting public to evaluate the validity of advertising messages and hold to account the interests engaged in political advocacy. Online access to this information will better enable the public, journalists, researchers, and watchdog groups to reveal the true interests behind the ads they see, as well as track how often, to whom, and on what terms broadcasters have offered use of the public's airwaves for political advertisements.

We support comments of CLC *et al.* that the Commission should explore adopting a standardized format for electronic political files and also encourage the Commission to ensure that the public files are as complete as possible with all stations and operators loading these files according to the same system.⁵

III. The FCC should not require complaints to be filed by local residents.

³ *Id.*

⁴ *Id.*

⁵ See *supra*, note 1, CLC *et al.* Comments at 3-4.

As CLC correctly points out, broadcasters have specific public file content requirements. If a broadcaster is not putting required information in its public file, it should not matter who brings that malfeasance to the FCC's attention. Moreover, many local residents may not be familiar with laws requiring stations to disclose certain information while a non-local member of the public may be able to cure that deficiency to the benefit of all of the public by filing a complaint.

We agree with comments filed by CLC *et al.* that the FCC should not focus its enforcement efforts on complaints submitted by local residents. The FCC should instead allow people outside the local broadcaster area to file complaints

IV. The FCC should consistently enforce Section 317 of the Communications Act

Section 317 of the Communications Act requires broadcasters to use “reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with” the ad to determine and make an on-air disclosure of the identity of the sponsor of any advertisement at the time the ad is broadcast.

Inasmuch as “listeners are entitled to know by whom they are being persuaded” and should be “clearly informed that [they are] hearing and viewing matter which has been paid for,” public disclosure of the identity of sponsors is important and necessary.⁶⁷ This matter is particularly pressing in light of the recent proliferation of advertisements run by outside groups that legally are able to obscure sponsors' identities, a trend that will only accelerate as elections draw closer in time.

The Center for Responsive Politics encourages the Commission to take swift action to enforce the public file and sponsorship identification requirements of Section 317 with respect to advertisements relating to political campaigns and political matters of public importance. Further, we support the adoption of rules requiring more up-to-date and accurate on-air sponsorship identification of the funders of political ads on television.

Respectfully submitted,
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⁶ Applicability of Sponsorship Identification Rules, 40 FCC 141, 141 (1963).

⁷ Advertising Council, 17 FCC Rcd 22616, 22620-21 (2002).