March 1, 2012

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

Re: Notice of *Ex Parte* communication in *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, MB Docket No. 00-0168

Dear Ms. Dortch:

In compliance with Section 1.1206(b) of the Commission's rules, please accept this *ex parte* notice relating to the above-referenced proceeding.

I am founder and General Counsel of LUC Media Group, a political media-buying firm. We have filed comments and reply comments in this proceeding. On February 28, 2012, I met with representatives of the FCC listed in Attachment A to discuss the Commission's proposed transparency rules to require online filing of television stations' public files.

I noted support for the proposed rules, and concurred with sentiments contained in the notice filed by the Georgetown Law Institute for Public Representation on behalf of PIPAC, dated February 16, 2012. A number of broadcasters have gone to great lengths to list a "parade of horribles", asserting excess burdens on television stations that could very well lead to the end of broadcasting as we know it.

PIPAC addressed many of those concerns. At its core, this proposal is a very simple one – take the public file, convert it to a PDF, and put it online. Most of the broadcasters' objections, including the detail of how an inquiry becomes an order and then an invoice, apply to what it takes to maintain a paper public file. Perhaps those broadcasters should take a look at their existing public file practices to ensure compliance with existing law. Once the broadcasters comply with existing public file standards, the next step, converting to a PDF, should be an easy one.

I also demonstrated how we, as an agency, currently maintain records gathered from station files. I distributed an example (Attachment B), which shows how we maintained the records for Macon, Georgia, for 2010. There is a tab for each station, and for purposes of this document, WMAZ is expanded. Within WMAZ, one advertiser, the US Chamber of Commerce is expanded to show a list of documents contained in our database. The point is, if we can do this with documents we gather for multiple stations in multiple markets, one station can generate a file consisting of documents it is already required to maintain.

There were some questions raised in the meeting regarding the contents of Attachment B, and I was asked whether we could supply Commission staff with the full contents of the database for Macon. We are happy to provide this information, and will do so in an additional filing next week. The file may be large, and may be supplied as a link. Access instructions will be provided.

I noted that not all broadcasters have participated in the "parade of horribles". In particular, I referenced a letter filed on February 15, 2012, on behalf of Barrington Broadcast Co., Inc., Belo Corp., Cox Media Group, Dispatch Broadcast Group, The E.W. Scripps Company, Gannett Broadcasting, Hearst Television Inc., Meredith Broadcasting Group, Post-Newsweek Stations, Inc., Raycom Media, Inc., Schurz Communications, Inc. ("Barrington"). This is an impressive group of broadcasters covering a large part of the nation, and this proposal should address many of the broadcasters concerns. I suggested the following improvements to the Barrington proposal:

- Include dates. A number of commenters referenced the practice of providing "dates and dollars" information over the phone or via email to agencies. Barrington mentioned dollars, and it is unclear whether flight dates were intended to be included. Both dates and dollars should be disclosed.
- The file should be updated more than on a weekly basis; daily is preferred, but the updates need to be more regular than weekly.
- If the information is maintained on a station website, the station should provide a link to be referenced on the FCC website.
- Full implementation of an online public file beginning in 2014, with stations in the top 20 markets placing public files online beginning in 2013.
- Utilize a working group, as suggested by the NAB, to develop standards as to ***how*** to fully implement the disclosure requirement, not whether to implement the requirement.

In short, the Barrington proposal, with dates and dollars and more frequent updates, should be viewed as a transition step, and implemented in fairly short order. 2012 would be the transition period, with further implementation in 2013, and full implementation of online disclosure in

2014. In 2013, there will be a number of municipal elections, many in big cities. Compliance in the top 20 markets, where stations may be better equipped to handle these obligations, will serve as a good test, and assist with the transition.

I also addressed the issue of whether radio stations and cable systems should be required to place their public files online. As noted in our comments, the answer is yes. In this case, the television stations are correct. In many respects, cable systems are better equipped than broadcasters to place their files online through their national sales firm, NCC Media. As for radio, Katz Radio represents a significant percentage of radio stations throughout the country, and is well-positioned to coordinate this disclosure. If the Commission wants to carve out an exception for smaller stations, at least during the transition period, such an exception would be understandable, though not really necessary as those small stations are still required to maintain a paper public file. As we noted in our comments, cable systems with fewer than 1,000 subscribers are exempt from many public file requirements. 47 C.F.R. Sec. 76.1700. Perhaps a comparable exemption, though obviously not subscriber-based, could be adopted for small radio stations during the transition period.

I also addressed concerns of some broadcasters that putting rate information online could result in sensitive pricing data being made public, and result in anticompetitive practices. This argument is absurd on its face. These records are already public. Agencies and competing stations already check public files. Many of the broadcasters making this argument run very aggressive newsrooms that would rightfully reject any effort by public officials to limit the use of any public records.

I addressed the issue of cost and burden of compliance, reiterating the points made in our comments, as well as made by other commenters – some $3.2 billion will be spent on advertising this year. The cost of placing this information online is minor compared to the political advertising windfall.

Finally, I noted that the commission should encourage a proper construction of 47 U.S.C. Sec. 315(e)(1)(B) as it relates to issue ads. As staff informally advised in 2010, records relating to issue ads referencing legally qualified candidates, whether federal or non-federal, should be placed in the public file. As noted in our comments, the plain meaning of the statute is that ads relating to ***all*** legally qualified candidates should be included in the public file. This may be a naïve view of the world, but it would seem that broadcasters, in business to serve the public interest, would jump at the chance to err on the side of more disclosure, rather than cooking up reasons not to disclose.

In accordance with Section 1.1206(b), as modified by the policies applicable to electronic filing, one electronic copy of this letter is being submitted in connection with the above-referenced docket.

Respectfully submitted,

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cc: Parties on Attachment A (via email)

Attachment A

William Lake, Chief, Media Bureau
Robert Ratcliffe, Deputy Chief, Media Bureau
Mary Beth Murphy, Chief, Policy Division, Media Bureau
John Norton, Deputy Chief, Policy Division, Media Bureau (via telephone)
Robert Baker, Assistant Chief, Policy Division, Media Bureau
Holly Saurer, Attorney, Policy Division, Media Bureau
Hope Cooper, Attorney, Policy Division, Media Bureau
Greg Elin, Chief Data Officer, Office of Managing Director

ATTACHMENT B

LUC MEDIA

Name	Size	Type	Date Modified
MACON	5 items	folder	Fri 24 Feb 2012 11:47:31 AM EST
EGXA-TV	0 items	folder	Fri 24 Feb 2012 11:40:33 AM EST
WGXA-TV	0 items	folder	Fri 24 Feb 2012 11:40:21 AM EST
WMAZ-TV	1 item	folder	Fri 24 Feb 2012 11:40:03 AM EST
2010	3 items	folder	Fri 24 Feb 2012 11:31:37 AM EST
CD 8	2 items	folder	Fri 24 Feb 2012 11:28:44 AM EST
Candidates	2 items	folder	Fri 24 Feb 2012 11:28:25 AM EST
Friends of Austin Scott	30 items	folder	Fri 24 Feb 2012 12:02:21 PM EST
Friends of Jim Marshall	38 items	folder	Fri 24 Feb 2012 12:53:49 PM EST
Issue Advertisers	3 items	folder	Fri 24 Feb 2012 11:29:45 AM EST
American Future Fund	12 items	folder	Fri 24 Feb 2012 12:54:24 PM EST
Republican National Congressional Committee	23 items	folder	Fri 24 Feb 2012 12:54:31 PM EST
US Chamber of Commerce	3 items	folder	Fri 24 Feb 2012 11:43:45 AM EST
2010-10-4 inquiry.pdf	163.1 KB	PDF document	Fri 24 Feb 2012 11:43:11 AM EST
2010-10-5 buy.pdf	163.1 KB	PDF document	Fri 24 Feb 2012 11:43:11 AM EST
2010-10-10 updated buy.pdf	163.1 KB	PDF document	Fri 24 Feb 2012 11:43:11 AM EST
Georgia Attorney General	2 items	folder	Fri 24 Feb 2012 11:31:44 AM EST
Candidates	3 items	folder	Fri 24 Feb 2012 11:32:12 AM EST
Georgians for Teilhet	5 items	folder	Fri 24 Feb 2012 12:54:56 PM EST
Hodges for Attorney General	24 items	folder	Fri 24 Feb 2012 12:55:00 PM EST
Sam Olens for AG	15 items	folder	Fri 24 Feb 2012 12:55:06 PM EST
Issue Advertisers	1 item	folder	Fri 24 Feb 2012 11:32:25 AM EST
Republican State Elections Committee	6 items	folder	Fri 24 Feb 2012 12:55:15 PM EST
Georgia Governor	2 items	folder	Fri 24 Feb 2012 11:30:32 AM EST
Candidates	4 items	folder	Fri 24 Feb 2012 11:31:07 AM EST
Baker for Governor	9 items	folder	Fri 24 Feb 2012 12:55:25 PM EST

"2010-10-4 inquiry.pdf" selected (163.1 KB), Free space: 255.2 GB