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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

April 12, 2012

Re: *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, MB Dkt 00-168

Dear Ms. Dortch,

On April 11, 2012, Matt Wood, Policy Director, and Corie Wright, Senior Policy Counsel, for Free Press met with Bill Lake, Mary Beth Murphy, Bob Ratcliffe and Holly Saurer of Media Bureau; and Susan Aaron, Jacob Lewis and Richard Welch of the Office of General Counsel. Austin Schlick, FCC General Counsel, participated in the meeting via telephone.

The subject of the conversation was a draft Commission order requiring television broadcasters to replace their existing paper public inspection files with an online public file that would be hosted by the Commission. The item is tentatively slated for a vote in the Commission's April 27th Open Meeting.¹

Free Press conveyed its continued support for the Commission's efforts to make broadcast television station public files and political files more transparent and accessible to the public. Press reports suggest that the Commission will require all television stations to replace their existing paper public inspection files, including their political files, within two years of the effective date of an order. In the interim, all stations will post their public files online, with the exception of the political file portion, which prior to the two year mark, will be required to be posted only by stations in the top 50 DMAs that are affiliated with ABC, CBS, FOX and NBC networks (the "Big Four" networks).

Free Press reiterated that the record in this proceeding makes evident that the burden of replacing paper political file records with online versions would be *de minimis*, particularly given press reports suggesting that the Commission will not require broadcasters to upload any political file documents generated prior to the order's implementation. Accordingly, it would be preferable to have all stations provide prompt online access to these records without exception. However, to the extent that Commission is inclined to require posting of the political file on a staggered basis, the Commission should require initial posting by those stations that serve a large number and wide range of households, and whose market share and resources well-position them to transition swiftly to online posting.

Free Press explained that the Commission's reported decision to require interim online posting of political files based on a station's affiliation with a Big Four network would be under-inclusive. In many markets, affiliation with a Big Four network can be a reasonable measure of a station's audience reach and resources, but that is not universally the case. In markets ranked among the top 50 DMAs, consideration of station network affiliation alone would exclude a number of large, well-resourced and highly-ranked stations that are not affiliated with a Big Four network. Some examples include WGN, a top ranked station in Chicago affiliated with the CW network, as well as stations serving Spanish-speaking communities in cities like Los Angeles, New York, Miami, Houston and Phoenix.²

¹ Public Notice, "FCC Announces Tentative Agenda for April Open Meeting," (Apr. 6, 2012) <http://www.fcc.gov/document/fcc-announces-tentative-agenda-april-open-meeting>.

² For example, publicly available sources indicate that the Univision affiliate in Los Angeles is the top ranked station in the country regardless of language. Univision affiliates in New York, Houston and Phoenix are among the top ranked stations in those markets. In Miami, Univision and Telemundo affiliates maintain higher audience shares than some Big Four affiliates in that market.

To remedy this inconsistency, Free Press proposed the following alternative for the Commission's consideration:

Online posting of the political file prior to the two year implementation mark for all television stations would be required of television licensees in the Top 50 DMAs if the licensee is either (1) affiliated with a Big Four Network, as defined by § 73.3613(a)(1) of the Commission's rules (i.e. ABC, CBS, Fox, and NBC); or (2) as of the effective date of the order, ranked among the Top Four stations in the market based on the most recent all-day (9 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service.³

Free Press believes that this Big Four/Top Four proposal would more effectively further the Commission's transparency goals by including on a more reliable basis those stations that have the greatest capacity to both reach local audiences and promptly convert to an electronic political file going forward. Importantly, this would ensure that members of the public have more consistent and equitable access to information about how and to whom television stations are selling political advertising time.

In accordance with the Commission's rules, this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing please do not hesitate to contact me.

Respectfully submitted,
_____/s/_____
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Cc:
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Austin Schlick
Susan Aaron
Jacob Lewis
Mary Beth Murphy
Bob Ratcliffe
Holly Saurer
Richard Welch

³ The use of the Big Four network and Top Four station criteria is well-established in Commission rules and precedent. See, e.g., 47 C.F.R § 73.3555(b)(1)(i) (Multiple ownership rules); 47 C.F.R § 73.658 (Affiliation agreements and network program practices); 47 C.F.R § 79.3 (Video description of video programming).