

Broadcasters Get With The Program Put Public Records Online

Television broadcasters are going to the mat for paper cuts and metal file cabinets. At a time of huge profits from political ad sales, many broadcasters are fighting tooth and nail to continue to make it difficult for people to access their public political files.

Under laws that have been on the books for decades, television broadcasters are required to keep information about all requests for political advertising time in a file open to public inspection. The political file is supposed to include a note showing what happened to the requests — when spots aired, rates charged and classes of time purchased. All records are to be filed as soon as possible and kept for two years.

The Federal Communications Commission, which oversees the publicly owned airwaves, recently proposed that broadcasters give up their paper files and simply upload the data to a common FCC database. Broadcasters are pulling out all the stops to protect a process designed for the previous century. One went so far as to say the move from paper to digital would “lead to a Soviet-style standardization of the way advertising should be sold as determined

by the government.”

Broadcasters claim the proposed change is burdensome. But the claim doesn't pass the laugh test — stations already use computers for virtually every task, yet they wish to keep the public political file exclusively on paper.

To maintain the file, employees must print computer files used for billing purposes, place a paper copy in a filing cabinet and later accompany anyone who wishes to look at the file and accommodate copying requests. In an election season, campaign operatives and reporters can be regular guests in stations' public files. It defies reason to call that process and the wasted staff hours less burdensome than the few keystrokes required to upload data already in the system.

The complaint that the change would be costly rings especially hollow. After all, many local stations are hitting the jackpot with political advertising from super-PACs. And the chairman of CBS recently said its corporate profits will “climb by \$180 million this year

from political advertising.” The cost claim just doesn’t hold water.

So why are the broadcasters fighting so hard against what seems to be a common-sense move into the 21st century? Probably because they know that, if the information they are already required by law to keep is put online and organized, it will reveal an uneven record in fulfilling the few statutory requirements broadcasters have when it comes to political advertising.

There are only three requirements: First is reasonable opportunity — candidates for federal office can’t demand to buy time, but must be given a fair chance to purchase it. Second is equal access — each candidate for political office must be given the same access to the airwaves as his or her opponent. And third, a TV station must offer a legally qualified candidate the “lowest unit rate” (LUR) — the rate they offer their best advertiser. LUR is meant to ensure that stations don’t gouge candidates who are very time- and price-sensitive. The system isn’t working the way it’s supposed to because broadcasters have learned how to game it. They offer LUR only for time slots that are highly preemptible, and charge high rates if the candidate wants assurance that an ad will run at precisely the time slot purchased. But

LUR is still an important requirement to prevent price gouging. The political file is required to be available for public inspection to ensure broadcasters fulfill their statutory obligations. Campaigns often send someone to examine the political file to see when their opponents are running ads and to ensure they are getting a fair rate. Without public disclosure, we would just have to take the broadcasters' word that they are fulfilling their statutory obligations. Media consultants who buy TV ads for candidates know broadcasters play fast and loose with the rules, evading LUR and overcharging some candidates. Broadcasters know if they post this information where it can be easily accessed, the rigged game that some broadcasters are playing will be revealed.

Let's be clear. The FCC is not proposing any change whatsoever in what information broadcasters are required to keep, only that they put the same information online instead of on paper. That broadcasters are clinging to Luddite ways to lessen transparency is outrageous — especially at a time when they are seeing a huge windfall from selling political ads on the publicly owned airwaves. The FCC should move quickly to adopt this change.