

Public Interest Groups to FCC: Don't Gamble with the Public Interest

Less than a week before the Federal Communications Commission is set to vote on a proposal that would transform public access to information about political ad spending, it seems the agency may be on the verge of caving to industry pressure. Two out of three FCC commissioners have expressed openness to a broadcast industry counter proposal to segregate information about individual political ads, keeping that information offline and locked in dusty file cabinets.

For months now, broadcasters have been fighting the proposal to make their already public files available online. Their initial complaint was that digitizing the files would be too hard. They submitted impressive-looking photographs of piles of paper and sent the FCC signed affidavits from station owners claiming the new rules would force them to hire as many as 4 full time staffers.

Oddly, the broadcasters' proposed "compromise" would create a filing regime that effectively doubles their political recordkeeping burden. Limiting the information that is put online would put broadcasters in violation of the Communications Act unless they maintained two separate political records—one online and one offline. The FCC's current proposal simply requires broadcasters to digitize an identical copy of their offline file.

It seems that broadcast stations are now willing to stomach extra paperwork in order to obscure the details of their ad sales. If the

National Association of Broadcasters (NAB) gets its way, the online files may not include any information about Super PACs, and information about other entities will be aggregated, making it impossible to determine how much any individual advertiser spent at a station or to compare the advertising rates that stations charged different campaigns.

The FCC is set to vote on its proposal in less than a week. All three FCC commissioners spent the last days that lobbying is allowed on this issue in Las Vegas, at the National Association of Broadcasters annual convention. Despite being surrounded by lions in their own den, FCC Chairman Julius Genachowski, **stood his ground**. "Broadcast news organizations depend on, and consistently call for, robust open-record regimes for the institutions they cover," he said. "It seems hypocritical for broadcasters to oppose applying the same principles to themselves."

But the other two Commissioners hedged their bets, playing their remarks a little more to the broadcast audience. Commissioner Robert McDowell **expressed opposition to the proposal** to digitize the political files in their entirety, saying the move would single out broadcasters. Commissioner Mignon Clyburn **said** that her "office is still open to engagement" with broadcasters.

The Public Interest Public Airwaves Coalition, of which Free Press is a member, sent a letter to the FCC **urging the agency to stick to its guns**. "Public information should be *public*," the letter reads. "In the 21st Century that means online – not buried in broadcast station filing cabinets. The FCC should not compromise when it comes to the transparency and information our communities need."

The question is, will what happened in Vegas stay in Vegas, or will the FCC do an about face and completely overhaul its proposal between the close of the lobbying window and next week's vote?

