

April 23, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communication
MB Docket Nos. 00-168 and 00-44

Dear Ms. Dortch:

On April 19, 2012, Maureen O’Connell, Senior Vice President, Regulatory and Government Affairs, News Corporation, and Joe Di Scipio, Vice President, Legal and Regulatory Compliance, Fox Television Stations, Inc. (together, “Fox”), held separate meetings with (i) Commissioner McDowell and Erin McGrath of Commissioner McDowell’s office; and (ii) Dave Grimaldi of Commissioner Clyburn’s office, in each case to discuss the above-referenced proceedings.

During the meetings, we presented for consideration and discussed the attached proposed compromise position with respect to broadcast stations’ political files. We indicated that Fox supports including stations’ summary political file information online as indicated in the attachment. The attached proposal is designed to keep commercially-sensitive per unit rate information out of the online public file, while including this information in the hard copy of the political file that stations would continue to maintain at their main studios.

Fox explained that there are several advantages to including summary information online, as follows:

- The public would receive great value from being able to view summary information online, including the total amount of an advertising buy and the total amount of money a candidate has spent on ads during a particular election window. In a single place, at a glance, the public would have access to the amount of money each candidate is spending – something that would not be accomplished by the FCC’s current proposal.
- The attached proposal is legally sustainable because it would ensure that per unit rate information (which is of greatest interest to candidates, whereas the

general public typically is most interested in the amount of money that candidates are spending) remains available, as part of stations' local inspection files. **ALL OTHER RELEVANT INFORMATION WOULD BE ONLINE.** This is important because placing the individual rate information online could cause harm to stations when they negotiate with commercial advertisers, who would know, at the click of a button, the rates that a station is charging its most favored commercial advertisers, at every station, in every market in the country. Fox noted that it understands that this information is currently available in stations' public files. There is an extraordinary difference, however, between making this commercially-sensitive business information available upon request at a station's studio and publishing it for all to see on the Internet.

- The primary rationale for having rate information available is to enable *candidates* to ensure that they are getting the legally required lowest unit rate for a particular time period. Fox's proposal ensures that this information would remain accessible to candidates without subjecting broadcast stations to undue risk of commercial harm.

Fox also said that it is supportive of the goal of transparency of information and it expressed its willingness to make its stations' other currently-required public file information available online. Only with respect to the highly commercially-sensitive issue of per unit rates does Fox request that the FCC utilize a different approach. Although transparency generally is a laudable goal, the government does not in other contexts, and should not here, require transparency when it comes to confidential commercial information, the ready accessibility of which could cause economic and competitive harms. In fact, the government typically goes out of its way to protect commercially-sensitive information. Fox believes that its proposal would substantially advance the Commission's core transparency goal while at the same time protecting stations' most sensitive commercial information – all in a way that ensures that the public could access information about candidate spending in a concise and user-friendly manner.

Please note that, with respect to the attached proposal, Fox clarified during the meeting that Paragraph 2(e) – relating to the “name given to the spot by the candidate” – would apply if and to the extent that a candidate provides such a name.

This letter is being submitted electronically in the above-referenced dockets, which have been granted permit-but-disclose status, pursuant to Section

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1.1206(b) of the Commission's Rules. Should you have any questions concerning this submission, kindly contact the undersigned.

Respectfully submitted,

/s/

Maureen A. O'Connell
Senior Vice President
Regulatory and Government Affairs
News Corporation

Enclosure

cc: Commissioner McDowell
Erin McGrath
Dave Grimaldi

ATTACHMENT

Online Political File

1. Broadcasters would have the choice of either: 1) putting their entire political file (including rates) online, and eliminating the paper file at the station; or 2) putting summary information, but not individual rates, online in the public file site maintained by the FCC, while continuing to maintain a paper file at the station that includes the rate information.
2. The online information under option two would be in a format determined by the station, but would include the following information: a) the name of the candidate, the office for which the candidate is running, and the name of the candidate's buyer; b) the total number of spots, and length of spots, the candidate is purchasing; c) the total amount of the ad buy; d) the total amount of money the candidate has spent on ads during that election window; and e) the name given to the spot by the candidate. The information would be placed in the file at potentially two points in time: first, when the candidate places an order; and second, when the buy is finalized. Note that the name of the spot should only appear after the buy is finalized due to confidentiality concerns of the campaigns.
3. The online information would be posted every other day during the lowest unit charge periods and every day during the last seven days of the election. Outside the lowest unit charge periods, the information would be posted weekly.
4. These procedures would apply to candidate ads, non-candidate political ads (so called "super Pac" ads), and issue ads.